

JUNE 22, 2020

RULES COMMITTEE PRINT 116–54

TEXT OF H.R. 2, THE MOVING FORWARD ACT

[Showing the text of H.R. 2, as ordered reported by the Committee on Transportation and Infrastructure, with modifications.]

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Moving Forward Act”.

3 SEC. 2. TABLE OF CONTENTS.

4 The table of contents for this Act is as follows:

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- Sec. 81201. Findings.
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- Sec. 90421. Extension, increase, and modifications of nonbusiness energy property credit.
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- Sec. 90432. Credit for previously-owned qualified plug-in electric drive motor vehicles.
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- Sec. 90441. Extension of the advanced energy project credit.
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- Sec. 90451. Qualified environmental justice program credit.

Subtitle G—Treasury Report on Data From the Greenhouse Gas Reporting Program

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TITLE V—DISASTER AND RESILIENCY

- Sec. 90501. Exclusion of amounts received from state-based catastrophe loss mitigation programs.
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- Sec. 90602. Extension of basis expenditure deadline.
- Sec. 90603. Tax-exempt bond financing requirement.
- Sec. 90604. Minimum credit rate.
- Sec. 90605. Increases in State allocations.
- Sec. 90606. Increase in credit for certain projects designated to serve extremely low-income households.
- Sec. 90607. Inclusion of Indian areas as difficult development areas for purposes of certain buildings.
- Sec. 90608. Inclusion of rural areas as difficult development areas.
- Sec. 90609. Increase in credit for bond-financed projects designated by housing credit agency.
- Sec. 90610. Repeal of qualified contract option.
- Sec. 90611. Prohibition of local approval and contribution requirements.
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- Sec. 90621. Neighborhood homes credit.

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- Sec. 90701. Treatment of Indian Tribes as States with respect to bond issuance.
- Sec. 90702. Treatment of Tribal foundations and charities like charities funded and controlled by other governmental funders and sponsors.

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TITLE VIII—HIGHWAY TRUST FUND AND RELATED TAXES

Sec. 90801. Extension of Highway Trust Fund expenditure authority.

Sec. 90802. Extension of highway-related taxes.

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1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **DIVISION A—FEDERAL SURFACE**
7 **TRANSPORTATION PRO-**
8 **GRAMS FOR FISCAL YEAR**
9 **2021**

10 **SEC. 100. SHORT TITLE.**

11 This division and division B of this Act may be cited
12 as the “Investing in a New Vision for the Environment
13 and Surface Transportation in America Act” or the “IN-
14 VEST in America Act”.

15 **SEC. 101. EXTENSION OF FEDERAL SURFACE TRANSPOR-**
16 **TATION PROGRAMS.**

17 (a) EXTENSION OF FEDERAL SURFACE TRANSPOR-
18 TATION PROGRAMS.—

19 (1) IN GENERAL.—Except as otherwise pro-
20 vided in this division, the requirements, authorities,
21 conditions, eligibilities, limitations, and other provi-
22 sions authorized under the covered laws, which

1 would otherwise expire on or cease to apply after
2 September 30, 2020, are incorporated by reference
3 and shall continue in effect through September 30,
4 2021.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—

6 (A) HIGHWAY TRUST FUND.—

7 (i) HIGHWAY ACCOUNT.—

8 (I) IN GENERAL.—Except as pro-
9 vided in subclause (II), there is au-
10 thorized to be appropriated from the
11 Highway Account for fiscal year 2021,
12 for each program under the covered
13 laws with respect to which amounts
14 are authorized to be appropriated
15 from such account for fiscal year
16 2020, an amount equal to the amount
17 authorized for appropriation with re-
18 spect to the program from such ac-
19 count for fiscal year 2020.

20 (II) ADMINISTRATIVE EX-
21 PENSES.—Notwithstanding any other
22 provision of this division, there is au-
23 thorized to be appropriated from the
24 Highway Account for fiscal year
25 2021—

1 (aa) \$502,897,049 for ad-
2 ministrative expenses of the Fed-
3 eral Highway Administration, as
4 described in section 104(a) of
5 title 23, United States Code; and

6 (bb) \$30,086,000 for grant
7 administrative expenses of the
8 National Highway Traffic Safety
9 Administration, as described in
10 section 4001(a)(6) of the FAST
11 Act (Public Law 114–94).

12 (ii) MASS TRANSIT ACCOUNT.—There
13 is authorized to be appropriated from the
14 Mass Transit Account for fiscal year 2021,
15 for each program under the covered laws
16 with respect to which amounts are author-
17 ized to be appropriated from such account
18 for fiscal year 2020, an amount equal to
19 the amount authorized for appropriation
20 with respect to the program from such ac-
21 count for fiscal year 2020.

22 (B) GENERAL FUND.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), there is authorized to be ap-
25 propriated for fiscal year 2021, for each

1 program with respect to which amounts
2 are authorized to be appropriated for fiscal
3 year 2020 from an account other than the
4 Highway Account or the Mass Transit Ac-
5 count under the titles described in sub-
6 section (b)(1), an amount not less than the
7 amount authorized for appropriation with
8 respect to the program under such titles
9 for fiscal year 2020.

10 (ii) ADMINISTRATIVE EXPENSES.—
11 Notwithstanding any other provision of
12 this division, there is authorized to be ap-
13 propriated from the general fund of the
14 Treasury for fiscal year 2021
15 \$140,016,543 for administrative expenses
16 of the Federal Transit Administration.

17 (3) USE OF FUNDS.—Except as otherwise pro-
18 vided in this division, amounts authorized to be ap-
19 propriated for fiscal year 2021 with respect to a pro-
20 gram under paragraph (2) shall be distributed, ad-
21 ministered, limited, and made available for obliga-
22 tion in the same manner as amounts authorized to
23 be appropriated with respect to the program for fis-
24 cal year 2020 under the covered laws.

25 (4) OBLIGATION LIMITATION.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), a program for which
3 amounts are authorized to be appropriated
4 under paragraph (2)(A) shall be subject to a
5 limitation on obligations for fiscal year 2021 in
6 the same amount and in the same manner as
7 the limitation applicable with respect to the
8 program for fiscal year 2020 under the Depart-
9 ment of Transportation Appropriations Act,
10 2020 (Public Law 116–94), as in effect on De-
11 cember 20, 2019.

12 (B) FEDERAL-AID HIGHWAY AND HIGHWAY
13 SAFETY CONSTRUCTION PROGRAMS.—

14 (i) IN GENERAL.—Notwithstanding
15 any other provision of this division, section
16 1102 of the FAST Act (Public Law 114–
17 94), or the Department of Transportation
18 Appropriations Act, 2020 (Public Law
19 116–94), for fiscal year 2021, the obliga-
20 tions for Federal-aid highway and highway
21 safety construction programs shall not ex-
22 ceed \$46,387,191,360.

23 (ii) LIMITATION ON FEDERAL HIGH-
24 WAY ADMINISTRATION ADMINISTRATIVE
25 EXPENSES.—Notwithstanding any other

1 provision of this division, of the amount
2 described in clause (i), for fiscal year 2021
3 an amount not to exceed \$478,897,049, to-
4 gether with advances and reimbursements
5 received by the Federal Highway Adminis-
6 tration, shall be obligated for necessary ex-
7 penses for administration and operation of
8 the Federal Highway Administration.

9 (b) DEFINITIONS.—In this section, the term “covered
10 laws” means the following:

11 (1) Titles I, III, IV, V, and VI of division A of
12 the FAST Act (Public Law 114–94).

13 (2) Division A, division B, subtitle A of title I
14 and title II of division C, and division E of MAP–
15 21 (Public Law 112–141).

16 (3) Titles I, II, and III of the SAFETEA–LU
17 Technical Corrections Act of 2008 (Public Law 110–
18 244).

19 (4) Titles I, II, III, IV, V, and VI of
20 SAFETEA–LU (Public Law 109–59).

21 (5) Titles I, II, III, IV, and V of the Transpor-
22 tation Equity Act for the 21st Century (Public Law
23 105–178).

1 (6) Titles II, III, and IV of the National High-
2 way System Designation Act of 1995 (Public Law
3 104–59).

4 (7) Title I, part A of title II, title III, title IV,
5 title V, and title VI of the Intermodal Surface
6 Transportation Efficiency Act of 1991 (Public Law
7 102–240).

8 (8) Title 23, United States Code.

9 (9) Sections 116, 117, 330, and 5505 and
10 chapters 53, 139, 303, 311, 313, 701, and 702 of
11 title 49, United States Code.

12 **SEC. 102. FEDERAL HIGHWAY ADMINISTRATION.**

13 (a) ADDITIONAL AMOUNTS.—

14 (1) AUTHORIZATION OF APPROPRIATIONS.—

15 (A) IN GENERAL.—In addition to amounts
16 authorized under section 101, there is author-
17 ized to be appropriated from the Highway Ac-
18 count for fiscal year 2021, for activities under
19 this section, \$14,742,808,640.

20 (B) CONTRACT AUTHORITY.—Amounts au-
21 thorized to be appropriated under subparagraph
22 (A) shall be available for obligation as if appor-
23 tioned under chapter 1 of title 23, United
24 States Code.

25 (2) OBLIGATION CEILING.—

1 (A) IN GENERAL.—Notwithstanding any
2 other provision of law, for fiscal year 2021, ob-
3 ligations for activities authorized under para-
4 graph (1) shall not exceed \$14,742,808,640.

5 (B) DISTRIBUTION OF OBLIGATION AU-
6 THORITY.—

7 (i) IN GENERAL.—Of the obligation
8 authority provided under subparagraph
9 (A), the Secretary shall make available to
10 States, Tribes, Puerto Rico, the territories,
11 and Federal land management agencies,
12 during the period of fiscal year 2021,
13 amounts of obligation authority equal to
14 the amounts described in subparagraphs
15 (A) through (E) of paragraph (3), respec-
16 tively.

17 (ii) FURTHER DISTRIBUTION.—Each
18 State, each Tribe, Puerto Rico, each terri-
19 tory, and each Federal land management
20 agency receiving funds under subpara-
21 graphs (A) through (E) of paragraph (3),
22 respectively, shall receive an amount of ob-
23 ligation authority equal to the funds that
24 it receives under any of such subpara-
25 graphs.

1 (C) REDISTRIBUTION OF UNUSED OBLIGA-
2 TION AUTHORITY.—

3 (i) IN GENERAL.—Notwithstanding
4 subparagraph (B), the Secretary shall,
5 after August 1 of fiscal year 2021—

6 (I) revise a distribution of the ob-
7 ligation authority made available
8 under subparagraph (B) if an amount
9 distributed cannot be obligated during
10 that fiscal year; and

11 (II) redistribute sufficient
12 amounts to those States able to obli-
13 gate amounts in addition to those pre-
14 viously distributed during that fiscal
15 year, giving priority to those States
16 having large unobligated balances of
17 funds apportioned under sections 144
18 (as in effect on the day before the
19 date of enactment of MAP-21 (Public
20 Law 112-141)) and 104 of title 23,
21 United States Code.

22 (ii) ADMINISTRATION.—The Secretary
23 shall administer a redistribution under
24 clause (i) of obligation authority provided

1 under subparagraph (B) in a similar man-
2 ner as the standard August redistribution.

3 (iii) USE OF OBLIGATION AUTHOR-
4 ITY.—A State may use obligation authority
5 that it receives pursuant to this subpara-
6 graph in the same manner that it uses ob-
7 ligation authority that it receives as part of
8 the standard August redistribution.

9 (3) DISTRIBUTION OF FUNDS.—Amounts au-
10 thORIZED to be appropriated for fiscal year 2021
11 under paragraph (1) shall be distributed as follows:

12 (A) \$14,384,629,710 to the States.

13 (B) \$167,481,814 to Tribes.

14 (C) \$52,400,251 to Puerto Rico.

15 (D) \$13,929,181 to the territories.

16 (E) \$124,367,684 to Federal land manage-
17 ment agencies.

18 (4) STATE FUNDS.—

19 (A) DISTRIBUTION.—

20 (i) IN GENERAL.—Amounts made
21 available under paragraph (3)(A) shall be
22 distributed among the States in the same
23 ratio as total State apportionments under
24 section 104(c)(1) of title 23, United States
25 Code, in fiscal year 2020.

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(ii) SUBALLOCATION.—

(I) IN GENERAL.—Amounts distributed among the States under clause (i) shall be suballocated within the State to an area described in subclause (II) in the proportion that—

(aa) the total amount of funds suballocated to such area of the State as described in such subclause for fiscal year 2020; bears to

(bb) the total amount of funds apportioned to the State for the Federal-aid highway program under section 104 of title 23, United States Code, for fiscal year 2020.

(II) AREAS DESCRIBED.—The areas described in this subclause are—

(aa) urbanized areas of the State with an urbanized area population of over 200,000;

1 (bb) areas of the State other
2 than urban areas with a popu-
3 lation greater than 5,000; and

4 (cc) other areas of the State.

5 (B) TREATMENT.—Except as otherwise
6 provided in this paragraph, amounts made
7 available under paragraph (3)(A) shall be ad-
8 ministered as if apportioned under chapter 1 of
9 title 23, United States Code.

10 (C) USE OF FUNDS.—Amounts made avail-
11 able under paragraph (3)(A) may be obligated
12 for—

13 (i) eligible projects described in sec-
14 tion 133(b) of title 23, United States
15 Code, subject to section 133(c) of such
16 title; and

17 (ii) administrative expenses, including
18 salaries and benefits, of—

19 (I) the State department of
20 transportation;

21 (II) a local transportation agen-
22 cy; or

23 (III) a metropolitan planning or-
24 ganization.

25 (5) TRIBAL FUNDS.—

1 (A) TREATMENT.—

2 (i) IN GENERAL.—Except as otherwise
3 provided in this paragraph, amounts made
4 available under paragraph (3)(B) shall be
5 administered as if made available under
6 section 202 of title 23, United States
7 Code.

8 (ii) NONAPPLICABILITY OF CERTAIN
9 PROVISIONS OF LAW.—Subsections (a)(6),
10 (c), (d), and (e) of section 202 of title 23,
11 United States Code, shall not apply to
12 amounts made available under paragraph
13 (3)(B).

14 (B) USE OF FUNDS.—Amounts made
15 available under paragraph (3)(B) may be obli-
16 gated for—

17 (i) activities eligible under section
18 202(a)(1) of title 23, United States Code;
19 and

20 (ii) transportation-related administra-
21 tive expenses, including salaries and bene-
22 fits, of the Tribe.

23 (6) FUNDS FOR PUERTO RICO AND THE TERRI-
24 TORIES.—

25 (A) TREATMENT.—

1 (i) IN GENERAL.—Except as otherwise
2 provided in this paragraph, amounts made
3 available under paragraphs (3)(C) and
4 (3)(D) shall be administered as if allocated
5 under sections 165(b) and 165(c), respec-
6 tively, of title 23, United States Code.

7 (ii) NONAPPLICABILITY OF CERTAIN
8 PROVISIONS OF LAW.—Section 165(b)(2)
9 of title 23, United States Code, shall not
10 apply to amounts made available to Puerto
11 Rico under paragraph (3)(C).

12 (B) USE OF FUNDS.—

13 (i) PUERTO RICO.—Amounts made
14 available to Puerto Rico under paragraph
15 (3)(C) may be obligated for—

16 (I) activities eligible under chap-
17 ter 1 of title 23, United States Code;
18 and

19 (II) transportation related ad-
20 ministrative expenses, including sala-
21 ries and benefits.

22 (ii) TERRITORIES.—Amounts made
23 available to a territory under paragraph
24 (3)(D) may be obligated for—

1 (I) activities eligible under sec-
2 tion 165(c)(6) of title 23, United
3 States Code, subject to section
4 165(c)(7) of such title; and

5 (II) transportation-related ad-
6 ministrative expenses, including sala-
7 ries and benefits.

8 (7) FEDERAL LAND MANAGEMENT AGENCY
9 FUNDS.—

10 (A) DISTRIBUTION.—Amounts made avail-
11 able under paragraph (3)(E) shall be distrib-
12 uted among the Federal land management
13 agencies as follows:

14 (i) \$99,494,147 for the National Park
15 Service.

16 (ii) \$9,949,415 for the United States
17 Fish and Wildlife Service.

18 (iii) \$6,301,296 for the United States
19 Forest Service.

20 (iv) \$8,622,826 to be allocated to the
21 applicable Federal land management agen-
22 cies as described in section 203(b) of title
23 23, United States Code.

24 (B) TREATMENT.—Amounts made avail-
25 able under paragraph (3)(E) shall be adminis-

1 tered as if made available under section 203 of
2 title 23, United States Code.

3 (8) DISADVANTAGED BUSINESS ENTER-
4 PRISES.—Section 1101(b) of the FAST Act (Public
5 Law 114–94) shall apply to additional amounts
6 made available under paragraph (1).

7 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

8 (1) SUBALLOCATED AMOUNTS.—

9 (A) USE OF FUNDS.—Amounts authorized
10 to be appropriated for fiscal year 2021 with re-
11 spect to a program under section 101(a)(2)(A)
12 that are suballocated pursuant to section
13 133(d)(1)(A) of title 23, United States Code,
14 may be obligated for—

15 (i) eligible projects as described in
16 section 133(b) of title 23, United States
17 Code; or

18 (ii) administrative expenses, including
19 salaries and benefits, of—

20 (I) a local transportation agency;

21 or

22 (II) a metropolitan planning or-
23 ganization.

24 (B) OBLIGATION AUTHORITY.—

1 (i) IN GENERAL.—A State that is re-
2 quired to obligate in an urbanized area
3 with an urbanized area population of over
4 200,000 individuals under section 133(d)
5 of title 23, United States Code, funds ap-
6 portioned to the State under section
7 104(b)(2) of such title shall make available
8 during the period of fiscal years 2016
9 through 2021 an amount of obligation au-
10 thority distributed to the State for Fed-
11 eral-aid highways and highway safety con-
12 struction programs for use in the area that
13 is equal to the amount obtained by multi-
14 plying—

15 (I) the aggregate amount of
16 funds that the State is required to ob-
17 ligate in the area under section
18 133(d) of title 23, United States
19 Code, during the period; and

20 (II) the ratio that—

21 (aa) the aggregate amount
22 of obligation authority distrib-
23 uted to the State for Federal-aid
24 highways and highway safety

1 construction programs during the
2 period; bears to

3 (bb) the total of the sums
4 apportioned to the State for Fed-
5 eral-aid highways and highway
6 safety construction programs (ex-
7 cluding sums not subject to an
8 obligation limitation) during the
9 period.

10 (ii) **JOINT RESPONSIBILITY.**—Each
11 State, each affected metropolitan planning
12 organization, and the Secretary shall joint-
13 ly ensure compliance with clause (i).

14 (2) **FERRY BOAT PROGRAM.**—Amounts author-
15 ized to be appropriated for fiscal year 2021 with re-
16 spect to a program under section 101(a)(2)(A) that
17 are made available for the construction of ferry
18 boats and ferry terminal facilities under section 147
19 of title 23, United States Code, may be obligated—

20 (A) in accordance with sections 129(c) and
21 147 of title 23, United States Code;

22 (B) for administrative expenses, including
23 salaries and benefits, of a ferry boat operator or
24 ferry terminal facility operator eligible for Fed-

1 eral participation under section 129(e) of title
2 23, United States Code; and

3 (C) for operating costs associated with a
4 ferry boat or ferry terminal facility eligible for
5 Federal participation under section 129(e) of
6 title 23, United States Code.

7 (3) **NATIONALLY SIGNIFICANT FREIGHT AND**
8 **HIGHWAY PROJECTS.**—In fiscal year 2021, the pro-
9 gram carried out under section 117 of title 23,
10 United States Code, shall, in addition to any other-
11 wise applicable requirements, be subject to the fol-
12 lowing provisions:

13 (A) **MULTIMODAL PROJECTS.**—Notwith-
14 standing subsection (d)(2)(A) of such section,
15 the limitation for projects described in such
16 subsection shall be \$600,000,000 for fiscal
17 years 2016 through 2021.

18 (B) **ADDITIONAL CONSIDERATIONS.**—Not-
19 withstanding subsection (h)(2) of such section,
20 the Secretary shall not consider the utilization
21 of non-Federal contributions.

22 (C) **EVALUATION AND RATING.**—To evalu-
23 ate applications for funding under such section,
24 the Secretary shall—

1 (i) determine whether a project is eli-
2 gible for a grant under such section;

3 (ii) evaluate, through a methodology
4 that is discernible and transparent to the
5 public, how each application addresses the
6 merit criteria established by the Secretary;

7 (iii) assign a quality rating for each
8 merit criteria for each application based on
9 the evaluation under clause (ii);

10 (iv) ensure that applications receive
11 final consideration by the Secretary to re-
12 ceive an award under such section only on
13 the basis of such quality ratings and that
14 the Secretary gives final consideration only
15 to applications that meet the minimally ac-
16 ceptable level for each of the merit criteria;
17 and

18 (v) award grants only to projects
19 rated highly under the evaluation and rat-
20 ing process.

21 (D) PUBLICATION AND METHODOLOGY.—

22 In any published notice of funding opportunity
23 for a grant under such section, the Secretary
24 shall include detailed information on the rating

1 methodology and merit criteria to be used to
2 evaluate applications.

3 (E) REPEAT APPLICATIONS.—

4 (i) BRIEFING.—The Secretary shall
5 provide to each applicant that applied for,
6 but did not receive, funding under such
7 section in fiscal year 2019 or 2020, at the
8 request of the applicant, the opportunity to
9 receive a briefing to—

10 (I) explain any reasons the appli-
11 cation was not selected for funding;
12 and

13 (II) advise the applicant on how
14 to improve the application for resub-
15 mission in fiscal year 2021 under the
16 application criteria described in this
17 paragraph.

18 (ii) SUPPLEMENTARY APPLICATION.—

19 (I) IN GENERAL.—An applicant
20 for funding under such section may
21 elect to resubmit an application from
22 a previous solicitation with a supple-
23 mentary appendix that describes how
24 the proposed project meets the re-
25 quirements of section 117 of title 23,

1 United States Code, and this para-
2 graph.

3 (II) REQUIREMENTS.—The Sec-
4 retary shall ensure that applications
5 submitted under subclause (I), includ-
6 ing the supplementary appendix, are
7 evaluated based on such requirements.

8 (F) CONGRESSIONAL NOTIFICATION.—A
9 notification submitted pursuant to subsection
10 (m) of such section shall include—

11 (i) a summary of each application
12 submitted and, at the request of either
13 Committee, a copy of any application sub-
14 mitted;

15 (ii) a list of any projects the Secretary
16 determined were not eligible for funding;

17 (iii) a description of the specific cri-
18 teria used for each evaluation, including
19 the quality rating assigned for each eligible
20 application submitted;

21 (iv) a list of all projects that advanced
22 to the Secretary for consideration; and

23 (v) a detailed justification of the basis
24 for each award proposed to be selected.

25 (c) FEDERAL SHARE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (3) and notwithstanding section 120 of title
3 23, United States Code, or any other provision of
4 this division, the Federal share associated with
5 funds described in paragraph (2) that are obligated
6 during fiscal year 2021 may be up to 100 percent.

7 (2) FUNDS DESCRIBED.—The funds described
8 in this paragraph are funds made available for the
9 implementation or execution of Federal-aid highway
10 and highway safety construction programs author-
11 ized under title 23 or 49, United States Code, the
12 FAST Act (Public Law 114–94), or this division.

13 (3) EXCEPTIONS.—Paragraph (1) shall not
14 apply to amounts obligated under section 115 or 117
15 of title 23, United States Code, or chapter 6 of such
16 title.

17 (d) ADMINISTRATIVE EXPENSES.—

18 (1) SELF-CERTIFICATION AND AUDIT.—

19 (A) IN GENERAL.—Prior to the obligation
20 of funds for administrative expenses pursuant
21 to paragraph (4)(C)(ii), (5)(B)(ii), (6)(B)(i)(II),
22 or (6)(B)(ii)(II) of subsection (a) or paragraphs
23 (1)(A)(ii) and (2)(B) of subsection (b), a State,
24 a Tribe, Puerto Rico, or a territory, as applica-
25 ble, shall certify to the Secretary that such ad-

1 ministrative expenses meet the requirements of
2 such paragraphs, as applicable.

3 (B) AUDIT.—The Secretary may conduct
4 an audit to review obligations of funds and liq-
5 uidation of such obligations for eligible adminis-
6 trative expenses described under subparagraph
7 (A).

8 (2) PLANNING.—Notwithstanding any other
9 provision of law, administrative expenses described
10 in paragraph (1)(A) shall not be required to be in-
11 cluded in a metropolitan transportation plan, a long-
12 range statewide transportation plan, a transpor-
13 tation improvement program, or a statewide trans-
14 portation improvement program under sections 134
15 or 135 of title 23, United States Code, or chapter
16 53 of title 49, United States Code, as applicable.

17 (e) DEFINITIONS.—In this section, the following defi-
18 nitions apply:

19 (1) STANDARD AUGUST REDISTRIBUTION.—The
20 term “standard August redistribution” means the
21 redistribution of obligation authority that the Sec-
22 retary is directed to administer under—

23 (A) section 1102(d) of the FAST Act
24 (Public Law 114–94); or

1 (B) any Act making appropriations for the
2 Department of Transportation for fiscal year
3 2021.

4 (2) STATE.—The term “State” means the 50
5 States and the District of Columbia.

6 (3) TERRITORY.—The term “territory” means
7 any of the following territories of the United States:

8 (A) American Samoa.

9 (B) The Commonwealth of the Northern
10 Mariana Islands.

11 (C) Guam.

12 (D) The United States Virgin Islands.

13 (4) URBAN AREA; URBANIZED AREA.—The
14 terms “urban area” and “urbanized area” have the
15 meanings given such terms in section 101 of title 23,
16 United States Code.

17 **SEC. 103. FEDERAL TRANSIT ADMINISTRATION.**

18 (a) ADDITIONAL AMOUNTS.—

19 (1) AUTHORIZATION OF APPROPRIATIONS FROM
20 MASS TRANSIT ACCOUNT.—

21 (A) IN GENERAL.—In addition to amounts
22 authorized under section 101, there is author-
23 ized to be appropriated from the Mass Transit
24 Account for fiscal year 2021, for activities
25 under this section, \$5,794,851,538.

1 (B) APPORTIONMENT.—Amounts author-
2 ized under subparagraph (A) shall be appor-
3 tioned in accordance with section 5310, section
4 5311 (other than subsections (b)(3), (c)(1)(A),
5 and (c)(2) of such section), section 5336 (other
6 than subsection (h)(4) of such section), section
7 5337, and section 5340 of title 49, United
8 States Code, except that funds apportioned
9 under section 5337 of such title shall be added
10 to funds apportioned under section 5307 of
11 such title for administration under section 5307
12 of such title.

13 (C) ALLOCATION.—The Secretary shall al-
14 locate the amounts authorized to be appro-
15 priated to sections 5307, 5310, 5311, 5337,
16 and 5340 of title 49, United States Code,
17 among such sections in the same ratio as funds
18 are provided in the fiscal year 2020 appropria-
19 tions.

20 (D) OBLIGATION LIMITATION.—Notwith-
21 standing any other provision of law, for fiscal
22 year 2021, obligations for activities authorized
23 under this paragraph shall not exceed
24 \$5,794,851,538.

1 (2) AUTHORIZATION OF APPROPRIATIONS FROM
2 GENERAL FUND.—In addition to amounts authorized
3 under section 101(a)(1)(B), there is authorized to be
4 appropriated from the general fund of the Treas-
5 ury—

6 (A) \$958,000,000 to carry out section
7 5309 of title 49, United States Code; and

8 (B) such sums as may be necessary to be
9 made available as described in subsection (c)
10 and that such sums shall be designated by the
11 Congress as being for an emergency require-
12 ment pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Con-
14 trol Act of 1985.

15 (3) DISADVANTAGED BUSINESS ENTER-
16 PRISES.—Section 1101(b) of the FAST Act (Public
17 Law 114–94) shall apply to additional amounts
18 made available under this subsection.

19 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

20 (1) USE OF FUNDS.—Notwithstanding
21 5307(a)(1) of title 49, United States Code, amounts
22 made available under subsection (a)(1)(A) may be
23 obligated for—

24 (A) operating expenses, including, begin-
25 ning on January 20, 2020—

1 (i) reimbursement for operating costs
2 to maintain service and offset lost revenue,
3 including the purchase of personal protec-
4 tive equipment; and

5 (ii) paying the administrative leave of
6 operations personnel due to reductions in
7 service; and

8 (B) any other activity eligible under sec-
9 tion 5307, 5310, 5311, or 5337 of title 49,
10 United States Code.

11 (2) CONDITIONS.—Recipients use of funds
12 under paragraph (1) shall—

13 (A) not require that operating expenses de-
14 scribed in paragraph (1)(A) be included in a
15 metropolitan transportation plan, long-range
16 statewide transportation plan, a transportation
17 improvement program, or a statewide transpor-
18 tation improvement program;

19 (B) meet the requirements of section 5333
20 of title 49, United States Code; and

21 (C) to the maximum extent possible, be di-
22 rected to payroll and public transit service, un-
23 less the recipient certifies to the Secretary that
24 such recipient has not furloughed any employ-
25 ees.

1 (3) OVERSIGHT.—

2 (A) Of the amounts made available to
3 carry out this section, the percentages available
4 for oversight in section 5338(f)(1) of title 49,
5 United States Code, shall apply to the alloca-
6 tions of funds in subsection (a)(1)(C).

7 (B) USE OF FUNDS.—Amounts made
8 available under subsection (a)(1)(A) shall be
9 available for administrative expenses and pro-
10 gram management oversight as authorized
11 under sections 5334 and 5338(f)(2) of title 49,
12 United States Code.

13 (4) ADMINISTRATION OF GRANTS.—Amounts
14 made available under subsection (a)(1)(A) shall be
15 administered, at the option of the recipient, as
16 grants provided under the CARES Act (Public Law
17 116–136) are administered.

18 (c) CIG COVID–19 EMERGENCY RELIEF PRO-
19 GRAM.—

20 (1) IN GENERAL.—From amounts made avail-
21 able under subsection (a)(2)(B) and notwithstanding
22 section 5309(k)(2)(C)(ii), section 5309(a)(7)(B), or
23 section 5309(l)(1)(B)(ii) of title 49, United States
24 Code, at the request of a project sponsor, the Sec-
25 retary shall use such sums as may be necessary to

1 provide an additional 30 percent of total project
2 costs for any project under—

3 (A) 5309(d) of title 49, United States
4 Code, that has been approved for advancement
5 into the engineering phase;

6 (B) 5309(e) of title 49, United States
7 Code, that has entered into the project develop-
8 ment phase or approved for advancement into
9 the engineering phase;

10 (C) subsection (d) or (e) of section 5309 of
11 title 49, United States Code, that has a full
12 funding grant agreement entered into under ei-
13 ther such subsection after January 1, 2017;
14 and

15 (D) section 5309(h) of title 49, United
16 States Code, that the Federal Transit Adminis-
17 tration has a small starts grant award or agree-
18 ment entered into after January, 1, 2017, or
19 that has been recommended by the Administra-
20 tion for an allocation of capital investment
21 funds that were appropriated in fiscal year
22 2018, 2019, or 2020.

23 (2) PROJECT ELIGIBILITY.—From amounts
24 made available under subsection (a)(2)(B), the Sec-
25 retary shall use such sums as may be necessary for

1 projects under section 5309 of title 49, United
2 States Code, that—

3 (A) are not eligible for funds made avail-
4 able under paragraph (1); and

5 (B) have remaining scheduled Federal
6 funds to be appropriated under a full funding
7 grant agreement under such section.

8 (3) DEFERRED LOCAL SHARE.—The Secretary
9 shall allow a project sponsor to defer payment of the
10 local share for any project described in paragraphs
11 (1) and (2).

12 (4) TOTAL PROJECT COST.—In this subsection,
13 the term “total project cost” means the most recent
14 total project cost stipulated in—

15 (A) the full funding grant agreement;

16 (B) the approval into project engineering;

17 (C) the project rating for a project not yet
18 approved into project engineering;

19 (D) the small starts grant or grant agree-
20 ment; or

21 (E) the project rating for a small starts
22 project that has not yet been awarded a grant
23 or grant agreement.

1 (5) FEDERAL SHARE.—The Federal share of
2 the costs of a project under this subsection may not
3 exceed 80 percent.

4 (6) APPLICATION OF LAW.—For purposes of
5 paragraph (1), the Secretary shall apply section
6 7001(b) of this Act when providing the additional 30
7 percent of total project costs to any project that
8 meets the criteria in such section.

9 (d) FEDERAL SHARE.—

10 (1) IN GENERAL.—Notwithstanding chapter 53
11 of title 49, United States Code, or any other provi-
12 sion of this division, the Federal share associated
13 with funds described in paragraph (2) that are obli-
14 gated during fiscal year 2021 may be up to 100 per-
15 cent.

16 (2) FUNDS DESCRIBED.—The funds described
17 in this paragraph are funds made available for the
18 implementation of transit programs authorized by
19 chapter 53 of title 49, United States Code, the
20 FAST Act (Public Law 114–94), or this division, ex-
21 cluding funds made available to projects under sec-
22 tion 5309 of title 49, United States Code.

23 (e) CONDITION FOR APPORTIONMENT.—No funds
24 authorized in this division or any other Act may be used
25 to adjust Mass Transit Account apportionments or with-

1 hold funds from Mass Transit Account apportionments
2 pursuant to section 9503(e)(4) of the Internal Revenue
3 Code of 1986 in fiscal year 2021.

4 **SEC. 104. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
5 **TRATION.**

6 (a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—

7 (1) IN GENERAL.—

8 (A) AUTHORIZATION OF APPROPRIA-
9 TIONS.—In addition to amounts authorized
10 under section 101, there is authorized to be ap-
11 propriated from the Highway Account for fiscal
12 year 2021, for activities under this subsection,
13 \$244,514,000.

14 (B) CONTRACT AUTHORITY.—Amounts au-
15 thorized under subparagraph (A) shall be avail-
16 able for obligation in the same manner as if
17 such funds were apportioned under chapter 1 of
18 title 23, United States Code.

19 (C) OBLIGATION LIMITATION.—Notwith-
20 standing any other provision of law, for fiscal
21 year 2021, obligations for activities authorized
22 under this paragraph and obligations for activi-
23 ties authorized under section
24 101(a)(2)(A)(i)(II)(bb) that exceed amounts au-
25 thorized under section 4001(a)(6) of the FAST

1 Act (Public Law 114–94) shall not exceed
2 \$247,783,000.

3 (2) DISTRIBUTION OF FUNDS.—Amounts au-
4 thORIZED to be appropriated for fiscal year 2021
5 under paragraph (1) shall be distributed as follows:

6 (A) \$105,000,000 for carrying out section
7 402 of title 23, United States Code.

8 (B) \$15,312,000 for carrying out section
9 403 of title 23, United States Code.

10 (C) \$19,202,000 for carrying out section
11 404 of title 23, United States Code.

12 (D) \$105,000,000 for carrying out section
13 405 of title 23, United States Code.

14 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

15 (1) FEDERAL SHARE.—Notwithstanding sec-
16 tions 120, 405(b)(2), 405(c)(2), 405(d)(2) and
17 405(h)(2) of title 23, United States Code, the Fed-
18 eral share of activities for fiscal year 2021 carried
19 out under chapter 4 of title 23, United States Code
20 and section 1906 of SAFETEA–LU (23 U.S.C. 402
21 note) shall be 100 percent.

22 (2) PERIOD OF AVAILABILITY.—Notwith-
23 standing section 118(b) of title 23, United States
24 Code, funds apportioned or allocated to a State in
25 fiscal years 2017 and 2018 under sections 402 and

1 405 of title 23, United States Code, and section
2 1906 of SAFETEA-LU (23 U.S.C. 402 note), shall
3 remain available for obligation in that State for a
4 period of 4 years after the last day of the fiscal year
5 for which the funds are authorized. Notwithstanding
6 any other provision of law, this paragraph shall
7 apply as if such paragraph was enacted on Sep-
8 tember 30, 2020.

9 (3) MAINTENANCE OF EFFORT.—Notwith-
10 standing section 405(a)(9) of title 23, United States
11 Code, the Secretary may waive the maintenance of
12 effort requirements under such section for fiscal
13 year 2021 for a State, if the Secretary determines
14 appropriate.

15 (4) IN-VEHICLE ALCOHOL DETECTION DEVICE
16 RESEARCH.—In carrying out subsection (h) of sec-
17 tion 403 of title 23, United States Code, the Sec-
18 retary may obligate from funds made available to
19 carry out such section for fiscal year 2021 not more
20 than \$5,312,000 to conduct the research described
21 in paragraph (1) of such subsection.

22 (5) COOPERATIVE RESEARCH AND EVALUA-
23 TION.—Notwithstanding the apportionment formula
24 set forth in section 402(c)(2) of title 23, United
25 States Code, and section 403(f)(1) of title 23,

1 United States Code, \$2,500,000 of the total amount
2 available for apportionment to the States for high-
3 way safety programs under section 402(c)(2) of title
4 23, United States Code, for each of fiscal years
5 2016 through 2021, shall be available for expendi-
6 ture by the Secretary, acting through the Adminis-
7 trator of the National Highway Traffic Safety Ad-
8 ministration, for a cooperative research and evalua-
9 tion program to research and evaluate priority high-
10 way safety countermeasures. This paragraph shall
11 apply as if such paragraph was enacted on October
12 1, 2015.

13 **SEC. 105. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
14 **TION.**

15 (a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—

17 (A) IN GENERAL.—In addition to amounts
18 authorized under section 101, there is author-
19 ized to be appropriated from the Highway Ac-
20 count for fiscal year 2021, for activities under
21 this subsection, \$209,900,000.

22 (B) OBLIGATION LIMITATION.—Notwith-
23 standing any other provision of law, for fiscal
24 year 2021, obligations for activities authorized

1 under this paragraph shall not exceed
2 \$209,900,000.

3 (2) DISTRIBUTION OF FUNDS.—Amounts au-
4 thORIZED to be appropriated for fiscal year 2021
5 under paragraph (1) shall be distributed as follows:

6 (A) Subject to section 31104(c) of title 49,
7 United States Code—

8 (i) \$80,512,000 for carrying out sec-
9 tion 31102 (except subsection (l)) of title
10 49, United States Code);

11 (ii) \$14,208,000 for carrying out sec-
12 tion 31102(l) of title 49, United States
13 Code; and

14 (iii) \$23,680,000 for carrying out sec-
15 tion 31313 of title 49, United States Code.

16 (B) \$91,500,000 for carrying out section
17 31110 of title 49, United States Code.

18 (3) TREATMENT OF FUNDS.—Except as pro-
19 vided in subsection (b), amounts made available
20 under this section shall be made available for obliga-
21 tion and administered as if made available under
22 chapter 311 of title 49, United States Code.

23 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

24 (1) FINANCIAL ASSISTANCE AGREEMENTS FED-
25 ERAL SHARE.—Notwithstanding chapter 311 of title

1 49, United States Code, or any regulations adopted
2 pursuant to such chapter, for the duration of fiscal
3 year 2021 with respect to all financial assistance
4 made available under subsection (a) and section 101,
5 the Secretary of Transportation may—

6 (A) reimburse recipients under section
7 31104(b)(2) of title 49, United States Code, in
8 an amount that is 100 percent of the costs de-
9 scribed in such section; and

10 (B) waive the maintenance of effort re-
11 quirement under 31102(f) of title 49, United
12 States Code, for all States without requiring
13 States to request a waiver.

14 (2) FINANCIAL ASSISTANCE AGREEMENTS PE-
15 RIOD OF AVAILABILITY.—Notwithstanding section
16 31104(f) of title 49, United States Code, the Sec-
17 retary shall extend the periods of availability de-
18 scribed in such section by 1 year.

19 (3) ADMINISTRATIVE EXPENSES.—The Admin-
20 istrator of the Federal Motor Carrier Safety Admin-
21 istration shall ensure that funds made available
22 under subsection (a)(2)(B) are used, to the max-
23 imum extent practicable, to support—

24 (A) the acceleration of planned investments
25 to modernize the Administration's information

1 technology and information management sys-
2 tems;

3 (B) the completion of outstanding statu-
4 tory mandates required by MAP-21 (112-141)
5 and the FAST Act (114-94); and

6 (C) a Large Truck Crash Causal Factors
7 Study of the Administration.

8 **SEC. 106. DEFINITIONS.**

9 In this division, the following definitions apply:

10 (1) **HIGHWAY ACCOUNT.**—The term “Highway
11 Account” means the portion of the Highway Trust
12 Fund that is not the Mass Transit Account.

13 (2) **MASS TRANSIT ACCOUNT.**—The term “Mass
14 Transit Account” means the portion of the Highway
15 Trust Fund established under section 9503(e)(1) of
16 the Internal Revenue Code of 1986.

17 (3) **SECRETARY.**—The term “Secretary” means
18 the Secretary of Transportation.

19 **DIVISION B—SURFACE**
20 **TRANSPORTATION**

21 **SEC. 1001. APPLICABILITY OF DIVISION.**

22 (a) **APPLICABILITY.**—This division, including the
23 amendments made by this division, applies beginning on
24 October 1, 2021.

1 (b) REFERENCE TO DATE OF ENACTMENT.—In this
2 division and the amendments made by this division, any
3 reference to—

4 (1) the date of enactment of this Act;

5 (2) the date of enactment of a provision of this
6 division;

7 (3) the date of enactment of a provision added
8 to law by an amendment made by this division; or

9 (4) the date of enactment of the INVEST in
10 America Act added to law by an amendment made
11 by this division,

12 shall be treated as a reference to October 1, 2021.

13 (c) EXCEPTION FOR IMMEDIATE APPLICATION.—

14 Subsections (a) and (b) shall not apply to section 1105
15 and the amendments made by such section.

16 **TITLE I—FEDERAL-AID**
17 **HIGHWAYS**
18 **Subtitle A—Authorizations and**
19 **Program Conditions**

20 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—The following amounts are au-
22 thorized to be appropriated out of the Highway Trust
23 Fund (other than the Mass Transit Account):

24 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
25 the national highway performance program under

1 section 119 of title 23, United States Code, the pre-
2 disaster mitigation program under section 124 of
3 such title, the railway crossings program under sec-
4 tion 130 of such title, the surface transportation
5 program under section 133 of such title, the high-
6 way safety improvement program under section 148
7 of such title, the congestion mitigation and air qual-
8 ity improvement program under section 149 of such
9 title, the national highway freight program under
10 section 167 of such title, the carbon pollution reduc-
11 tion program under section 171 of such title, and
12 metropolitan planning under section 134 of such
13 title—

14 (A) \$55,022,048,429 for fiscal year 2022;

15 (B) \$55,980,646,776 for fiscal year 2023;

16 (C) \$57,095,359,712 for fiscal year 2024;

17 and

18 (D) \$58,118,666,186 for fiscal year 2025.

19 (2) TRANSPORTATION INFRASTRUCTURE FI-
20 NANCE AND INNOVATION PROGRAM.—For credit as-
21 sistance under the transportation infrastructure fi-
22 nance and innovation program under chapter 6 of
23 title 23, United States Code, \$300,000,000 for each
24 of fiscal years 2022 through 2025.

1 (3) CONSTRUCTION OF FERRY BOATS AND
2 FERRY TERMINAL FACILITIES.—For construction of
3 ferry boats and ferry terminal facilities under sec-
4 tion 147 of title 23, United States Code,
5 \$120,000,000 for each of fiscal years 2022 through
6 2025.

7 (4) FEDERAL LANDS AND TRIBAL TRANSPOR-
8 TATION PROGRAMS.—

9 (A) TRIBAL TRANSPORTATION PRO-
10 GRAM.—For the tribal transportation program
11 under section 202 of title 23, United States
12 Code, \$800,000,000 for each of fiscal years
13 2022 through 2025.

14 (B) FEDERAL LANDS TRANSPORTATION
15 PROGRAM.—

16 (i) IN GENERAL.—For the Federal
17 lands transportation program under sec-
18 tion 203 of title 23, United States Code,
19 \$550,000,000 for each of fiscal years 2022
20 through 2025.

21 (ii) ALLOCATION.—Of the amount
22 made available for a fiscal year under
23 clause (i)—

1 (I) the amount for the National
2 Park Service is \$400,000,000 for each
3 of fiscal years 2022 through 2025;

4 (II) the amount for the United
5 States Fish and Wildlife Service is
6 \$50,000,000 for each of fiscal years
7 2022 through 2025; and

8 (III) the amount for the United
9 States Forest Service is \$50,000,000
10 for each of fiscal years 2022 through
11 2025.

12 (C) FEDERAL LANDS ACCESS PROGRAM.—
13 For the Federal lands access program under
14 section 204 of title 23, United States Code,
15 \$345,000,000 for each of fiscal years 2022
16 through 2025.

17 (D) FEDERAL LANDS AND TRIBAL MAJOR
18 PROJECTS GRANTS.—To carry out section 208
19 of title 23, United States Code, \$400,000,000
20 for each of fiscal years 2022 through 2025.

21 (5) TERRITORIAL AND PUERTO RICO HIGHWAY
22 PROGRAM.—For the territorial and Puerto Rico
23 highway program under section 165 of title 23,
24 United States Code, \$310,000,000 for each of fiscal
25 years 2022 through 2025.

1 (6) PROJECTS OF NATIONAL AND REGIONAL
2 SIGNIFICANCE.—For projects of national and re-
3 gional significance under section 117 of title 23,
4 United States Code—

5 (A) \$2,200,000,000 for fiscal year 2022;

6 (B) \$2,200,000,000 for fiscal year 2023;

7 (C) \$2,300,000,000 for fiscal year 2024;

8 and

9 (D) \$2,350,000,000 for fiscal year 2025.

10 (7) COMMUNITY TRANSPORTATION INVESTMENT
11 GRANTS.—To carry out section 173 of title 23,
12 United States Code, \$600,000,000 for each of fiscal
13 years 2022 through 2025.

14 (8) ELECTRIC VEHICLE CHARGING, NATURAL
15 GAS FUELING, PROPANE FUELING, AND HYDROGEN
16 FUELING INFRASTRUCTURE GRANTS.—To carry out
17 section 151(f) of title 23, United States Code,
18 \$350,000,000 for each of fiscal years 2022 through
19 2025.

20 (9) COMMUNITY CLIMATE INNOVATION
21 GRANTS.—To carry out section 172 of title 23,
22 United States Code, \$250,000,000 for each of fiscal
23 years 2022 through 2025.

24 (b) ADDITIONAL PROGRAMS.—

1 (1) IN GENERAL.—The following amounts are
2 authorized to be appropriated out of the Highway
3 Trust Fund (other than the Mass Transit Account):

4 (A) GRIDLOCK REDUCTION GRANT PRO-
5 GRAM.—To carry out section 1306 of this Act,
6 \$250,000,000 for fiscal year 2022.

7 (B) REBUILD RURAL GRANT PROGRAM.—
8 To carry out section 1307 of this Act,
9 \$250,000,000 for fiscal year 2022.

10 (C) PARKING FOR COMMERCIAL MOTOR
11 VEHICLES.—To carry out section 1308 of this
12 Act, \$250,000,000 for fiscal year 2023.

13 (D) ACTIVE TRANSPORTATION
14 CONNECTIVITY GRANT PROGRAM.—To carry out
15 section 1309 of this Act, \$250,000,000 for fis-
16 cal year 2024.

17 (E) METRO PERFORMANCE PROGRAM.—To
18 carry out section 1305 of this Act,
19 \$250,000,000 for each of fiscal years 2023
20 through 2025.

21 (2) TREATMENT OF FUNDS.—Amounts made
22 available under subparagraphs (B) through (D) of
23 paragraph (1) shall be administered as if appor-
24 tioned under chapter 1 of title 23, United States
25 Code.

1 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

2 (1) FINDINGS.—Congress finds that—

3 (A) despite the real improvements caused
4 by the disadvantaged business enterprise pro-
5 gram, minority- and women-owned businesses
6 across the country continue to confront serious
7 and significant obstacles to success caused by
8 race and gender discrimination in the federally
9 assisted surface transportation market and re-
10 lated markets across the United States;

11 (B) the continuing race and gender dis-
12 crimination described in subparagraph (A) mer-
13 its the continuation of the disadvantaged busi-
14 ness enterprise program;

15 (C) recently, the disparities cause by dis-
16 crimination against African American, Hispanic
17 American, Asian American, Native American,
18 and women business owners have been further
19 exacerbated by the coronavirus pandemic and
20 its disproportionate effects on minority- and
21 women-owned businesses across the nation;

22 (D) Congress has received and reviewed
23 testimony and documentation of race and gen-
24 der discrimination from numerous sources, in-
25 cluding congressional hearings and other inves-

1 tigrative activities, scientific reports, reports
2 issued by public and private agencies at every
3 level of government, news reports, academic
4 publications, reports of discrimination by orga-
5 nizations and individuals, and discrimination
6 lawsuits, which continue to demonstrate that
7 race- and gender-neutral efforts alone are insuf-
8 ficient to address the problem;

9 (E) the testimony and documentation de-
10 scribed in subparagraph (D) demonstrate that
11 discrimination across the United States poses
12 an injurious and enduring barrier to full and
13 fair participation in surface transportation-re-
14 lated businesses of women business owners and
15 minority business owners and has negatively af-
16 fected firm formation, development and success
17 in many aspects of surface transportation-re-
18 lated business in the public and private mar-
19 kets; and

20 (F) the testimony and documentation de-
21 scribed in subparagraph (D) provide a clear pic-
22 ture of the inequality caused by discrimination
23 that continues to plague our nation and a
24 strong basis that there is a compelling need for
25 the continuation of the disadvantaged business

1 enterprise program to address race and gender
2 discrimination in surface transportation-related
3 business.

4 (2) DEFINITIONS.—In this subsection, the fol-
5 lowing definitions apply:

6 (A) SMALL BUSINESS CONCERN.—

7 (i) IN GENERAL.—The term “small
8 business concern” means a small business
9 concern (as the term is used in section 3
10 of the Small Business Act (15 U.S.C.
11 632)).

12 (ii) EXCLUSIONS.—The term “small
13 business concern” does not include any
14 concern or group of concerns controlled by
15 the same socially and economically dis-
16 advantaged individual or individuals that
17 have average annual gross receipts during
18 the preceding 3 fiscal years in excess of
19 \$26,290,000, as adjusted annually by the
20 Secretary of Transportation for inflation.

21 (B) SOCIALLY AND ECONOMICALLY DIS-
22 ADVANTAGED INDIVIDUALS.—The term “so-
23 cially and economically disadvantaged individ-
24 uals” has the meaning given the term in section
25 8(d) of the Small Business Act (15 U.S.C.

1 637(d)) and relevant subcontracting regulations
2 issued pursuant to that Act, except that women
3 shall be presumed to be socially and economi-
4 cally disadvantaged individuals for purposes of
5 this subsection.

6 (3) AMOUNTS FOR SMALL BUSINESS CON-
7 CERNS.—Except to the extent that the Secretary of
8 Transportation determines otherwise, not less than
9 10 percent of the amounts made available for any
10 program under titles I, II, V, and VII of this divi-
11 sion and section 403 of title 23, United States Code,
12 shall be expended through small business concerns
13 owned and controlled by socially and economically
14 disadvantaged individuals.

15 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
16 NESS ENTERPRISES.—Each State shall annually—

17 (A) survey and compile a list of the small
18 business concerns referred to in paragraph (3)
19 in the State, including the location of the small
20 business concerns in the State; and

21 (B) notify the Secretary, in writing, of the
22 percentage of the small business concerns that
23 are controlled by—

24 (i) women;

1 (ii) socially and economically dis-
2 advantaged individuals (other than
3 women); and

4 (iii) individuals who are women and
5 are otherwise socially and economically dis-
6 advantaged individuals.

7 (5) UNIFORM CERTIFICATION.—

8 (A) IN GENERAL.—The Secretary of
9 Transportation shall establish minimum uni-
10 form criteria for use by State governments in
11 certifying whether a concern qualifies as a small
12 business concern for the purpose of this sub-
13 section.

14 (B) INCLUSIONS.—The minimum uniform
15 criteria established under subparagraph (A)
16 shall include, with respect to a potential small
17 business concern—

- 18 (i) on-site visits;
19 (ii) personal interviews with personnel;
20 (iii) issuance or inspection of licenses;
21 (iv) analyses of stock ownership;
22 (v) listings of equipment;
23 (vi) analyses of bonding capacity;
24 (vii) listings of work completed;

- 1 (viii) examination of the resumes of
2 principal owners;
3 (ix) analyses of financial capacity; and
4 (x) analyses of the type of work pre-
5 ferred.

6 (6) REPORTING.—The Secretary of Transpor-
7 tation shall establish minimum requirements for use
8 by State governments in reporting to the Sec-
9 retary—

10 (A) information concerning disadvantaged
11 business enterprise awards, commitments, and
12 achievements; and

13 (B) such other information as the Sec-
14 retary determines to be appropriate for the
15 proper monitoring of the disadvantaged busi-
16 ness enterprise program.

17 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
18 ing in this subsection limits the eligibility of an indi-
19 vidual or entity to receive funds made available
20 under titles I, II, V, and VII of this division and sec-
21 tion 403 of title 23, United States Code, if the enti-
22 ty or person is prevented, in whole or in part, from
23 complying with paragraph (3) because a Federal
24 court issues a final order in which the court finds

1 that a requirement or the implementation of para-
2 graph (3) is unconstitutional.

3 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
4 OF DBE SUBCONTRACTORS.—It is the sense of Con-
5 gress that—

6 (A) the Secretary of Transportation should
7 take additional steps to ensure that recipients
8 comply with section 26.29 of title 49, Code of
9 Federal Regulations (the disadvantaged busi-
10 ness enterprises prompt payment rule), or any
11 corresponding regulation, in awarding federally
12 funded transportation contracts under laws and
13 regulations administered by the Secretary; and

14 (B) such additional steps should include
15 increasing the Department of Transportation's
16 ability to track and keep records of complaints
17 and to make that information publicly available.

18 (d) LIMITATION ON FINANCIAL ASSISTANCE FOR
19 STATE-OWNED ENTERPRISES.—

20 (1) IN GENERAL.—Funds provided under this
21 section may not be used in awarding a contract, sub-
22 contract, grant, or loan to an entity that is owned
23 or controlled by, is a subsidiary of, or is otherwise
24 related legally or financially to a corporation based
25 in a country that—

1 (A) is identified as a nonmarket economy
2 country (as defined in section 771(18) of the
3 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
4 the date of enactment of this Act;

5 (B) was identified by the United States
6 Trade Representative in the most recent report
7 required by section 182 of the Trade Act of
8 1974 (19 U.S.C. 2242) as a priority foreign
9 country under subsection (a)(2) of that section;
10 and

11 (C) is subject to monitoring by the Trade
12 Representative under section 306 of the Trade
13 Act of 1974 (19 U.S.C. 2416).

14 (2) EXCEPTION.—For purposes of subpara-
15 graph (A), the term “otherwise related legally or fi-
16 nancially” does not include a minority relationship
17 or investment.

18 (3) INTERNATIONAL AGREEMENTS.—This para-
19 graph shall be applied in a manner consistent with
20 the obligations of the United States under inter-
21 national agreements.

22 **SEC. 1102. OBLIGATION LIMITATION.**

23 (a) GENERAL LIMITATION.—Subject to subsection
24 (e), and notwithstanding any other provision of law, the

1 obligations for Federal-aid highway and highway safety
2 construction programs shall not exceed—

- 3 (1) \$62,159,350,954 for fiscal year 2022;
- 4 (2) \$63,121,354,776 for fiscal year 2023;
- 5 (3) \$64,346,443,712 for fiscal year 2024; and
- 6 (4) \$65,180,125,186 for fiscal year 2025.

7 (b) EXCEPTIONS.—The limitations under subsection
8 (a) shall not apply to obligations under or for—

- 9 (1) section 125 of title 23, United States Code;
- 10 (2) section 147 of the Surface Transportation
11 Assistance Act of 1978 (23 U.S.C. 144 note; 92
12 Stat. 2714);
- 13 (3) section 9 of the Federal-Aid Highway Act
14 of 1981 (95 Stat. 1701);
- 15 (4) subsections (b) and (j) of section 131 of the
16 Surface Transportation Assistance Act of 1982 (96
17 Stat. 2119);
- 18 (5) subsections (b) and (c) of section 149 of the
19 Surface Transportation and Uniform Relocation As-
20 sistance Act of 1987 (101 Stat. 198);
- 21 (6) sections 1103 through 1108 of the Inter-
22 modal Surface Transportation Efficiency Act of
23 1991 (Public Law 102–240);
- 24 (7) section 157 of title 23, United States Code
25 (as in effect on June 8, 1998);

1 (8) section 105 of title 23, United States Code
2 (as in effect for fiscal years 1998 through 2004, but
3 only in an amount equal to \$639,000,000 for each
4 of those fiscal years);

5 (9) Federal-aid highway programs for which ob-
6 ligation authority was made available under the
7 Transportation Equity Act for the 21st Century
8 (112 Stat. 107) or subsequent Acts for multiple
9 years or to remain available until expended, but only
10 to the extent that the obligation authority has not
11 lapsed or been used;

12 (10) section 105 of title 23, United States Code
13 (as in effect for fiscal years 2005 through 2012, but
14 only in an amount equal to \$639,000,000 for each
15 of those fiscal years);

16 (11) section 1603 of SAFETEA-LU (23
17 U.S.C. 118 note; 119 Stat. 1248), to the extent that
18 funds obligated in accordance with that section were
19 not subject to a limitation on obligations at the time
20 at which the funds were initially made available for
21 obligation;

22 (12) section 119 of title 23, United States Code
23 (as in effect for fiscal years 2013 through 2015, but
24 only in an amount equal to \$639,000,000 for each
25 of those fiscal years);

1 (13) section 119 of title 23, United States Code
2 (but, for fiscal years 2016 through 2021, only in an
3 amount equal to \$639,000,000 for each of those fis-
4 cal years);

5 (14) section 203 of title 23, United States Code
6 (but, for fiscal years 2022 through 2025, only in an
7 amount equal to \$550,000,000 for each of those fis-
8 cal years); and

9 (15) section 133(d)(1)(B) of title 23, United
10 States Code (but, for fiscal years 2022 through
11 2025, only in an amount equal to \$89,000,000 for
12 each of those fiscal years).

13 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
14 Subject to paragraph (1)(B), for each of fiscal years 2022
15 through 2025, the Secretary of Transportation—

16 (1)(A) shall not distribute obligation authority
17 provided by subsection (a) for the fiscal year for—

18 (i) amounts authorized for administrative
19 expenses and programs by section 104(a) of
20 title 23, United States Code;

21 (ii) amounts authorized for the Bureau of
22 Transportation Statistics;

23 (iii) amounts authorized for the tribal
24 transportation program under section 202 of
25 title 23, United States Code; and

1 (iv) amounts authorized for the territorial
2 and Puerto Rico highway program under sec-
3 tion 165(a) of title 23, United States Code; and
4 (B) for each of fiscal years 2023 through 2025,
5 in addition to the amounts described in subpara-
6 graph (A), shall not distribute obligation authority
7 provided by subsection (a) for the fiscal year for
8 amounts authorized for the metro performance pro-
9 gram under section 1305 of this Act;

10 (2) shall not distribute an amount of obligation
11 authority provided by subsection (a) that is equal to
12 the unobligated balance of amounts—

13 (A) made available from the Highway
14 Trust Fund (other than the Mass Transit Ac-
15 count) for Federal-aid highway and highway
16 safety construction programs for previous fiscal
17 years, the funds for which are allocated by the
18 Secretary (or apportioned by the Secretary
19 under section 202 or 204 of title 23, United
20 States Code); and

21 (B) for which obligation authority was pro-
22 vided in a previous fiscal year;

23 (3) shall determine the proportion that—

24 (A) the obligation authority provided by
25 subsection (a) for the fiscal year, less the aggre-

1 gate of amounts not distributed under para-
2 graphs (1) and (2) of this subsection; bears to

3 (B) the total of—

4 (i) the sums authorized to be appro-
5 priated for the Federal-aid highway and
6 highway safety construction programs,
7 other than sums authorized to be appro-
8 priated for—

9 (I) provisions of law described in
10 paragraphs (1) through (13) of sub-
11 section (b);

12 (II) section 203 of title 23,
13 United States Code, equal to the
14 amount referred to in subsection
15 (b)(14) for the fiscal year; and

16 (III) section 133(d)(1)(B) of title
17 23, United States Code, equal to the
18 amount referred to in subsection
19 (b)(15) for the fiscal year; less

20 (ii) the aggregate of the amounts not
21 distributed under paragraphs (1) and (2)
22 of this subsection;

23 (4) shall distribute the obligation authority pro-
24 vided by subsection (a), less the aggregate amounts
25 not distributed under paragraphs (1) and (2), for

1 each of the programs (other than programs to which
2 paragraph (1) applies) that are allocated by the Sec-
3 retary under this Act and title 23, United States
4 Code, or apportioned by the Secretary under section
5 202 or 204 of such title, by multiplying—

6 (A) the proportion determined under para-
7 graph (3); by

8 (B) the amounts authorized to be appro-
9 priated for each such program for the fiscal
10 year; and

11 (5) shall distribute the obligation authority pro-
12 vided by subsection (a), less the aggregate amounts
13 not distributed under paragraphs (1) and (2) and
14 the amounts distributed under paragraph (4), for
15 Federal-aid highway and highway safety construc-
16 tion programs that are apportioned by the Secretary
17 under title 23, United States Code (other than the
18 amounts apportioned for the surface transportation
19 program in section 133(d)(1)(B) of title 23, United
20 States Code, that are exempt from the limitation
21 under subsection (b)(15) and the amounts appor-
22 tioned under sections 202 and 204 of such title) in
23 the proportion that—

24 (A) amounts authorized to be appropriated
25 for the programs that are apportioned under

1 title 23, United States Code, to each State for
2 the fiscal year; bears to

3 (B) the total of the amounts authorized to
4 be appropriated for the programs that are ap-
5 portioned under title 23, United States Code, to
6 all States for the fiscal year.

7 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
8 THORITY.—Notwithstanding subsection (c), the Secretary
9 of Transportation shall, after August 1 of each of fiscal
10 years 2022 through 2025—

11 (1) revise a distribution of the obligation au-
12 thority made available under subsection (c) if an
13 amount distributed cannot be obligated during that
14 fiscal year; and

15 (2) redistribute sufficient amounts to those
16 States able to obligate amounts in addition to those
17 previously distributed during that fiscal year, giving
18 priority to those States having large unobligated bal-
19 ances of funds apportioned under section 104 of title
20 23, United States Code.

21 (e) SPECIAL LIMITATION.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), obligation limitations imposed by sub-
24 section (a) shall apply to contract authority for—

1 (A) transportation research programs car-
2 ried out under chapter 5 of title 23, United
3 States Code, and title V of this Act; and

4 (B) the metro performance program under
5 section 1305 of this Act.

6 (2) EXCEPTION.—Obligation authority made
7 available under paragraph (1) shall—

8 (A) remain available for a period of 4 fis-
9 cal years; and

10 (B) be in addition to the amount of any
11 limitation imposed on obligations for Federal-
12 aid highway and highway safety construction
13 programs for future fiscal years.

14 (f) LOP-OFF.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of distribution of obligation authority under
17 subsection (e) for each of fiscal years 2022 through
18 2025, the Secretary of Transportation shall dis-
19 tribute to the States any funds that—

20 (A) are authorized to be appropriated for
21 the fiscal year for Federal-aid highway pro-
22 grams; and

23 (B) the Secretary determines will not be
24 allocated to the States (or will not be appor-
25 tioned to the States under section 204 of title

1 23, United States Code), and will not be avail-
2 able for obligation, for the fiscal year because
3 of the imposition of any obligation limitation for
4 the fiscal year.

5 (2) **RATIO.**—Funds shall be distributed under
6 paragraph (1) in the same proportion as the dis-
7 tribution of obligation authority under subsection
8 (c)(5).

9 (3) **AVAILABILITY.**—Funds distributed to each
10 State under paragraph (1) shall be available for any
11 purpose described in section 133(b) of title 23,
12 United States Code.

13 **SEC. 1103. DEFINITIONS AND DECLARATION OF POLICY.**

14 Section 101 of title 23, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) by redesignating paragraphs (1), (2),
18 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),
19 (13), (14), (15), (16), (17), (18), (19), (20),
20 (21), (22), (23), (24), (25), (26), (27), (28),
21 (29), (30), (31), (32), (33), and (34) as para-
22 graphs (2), (3), (4), (6), (8), (10), (11), (12),
23 (13), (14), (16), (17), (18), (19), (20), (21),
24 (23), (24), (25), (26), (28), (29), (32), (33),

1 (34), (35), (36), (37), (38), (40), (41), (42),
2 (43), and (44), respectively;

3 (B) by inserting before paragraph (2), as
4 so redesignated, the following:

5 “(1) ADAPTATION.—The term ‘adaptation’
6 means an adjustment in natural or human systems
7 in anticipation of, or in response to, a changing envi-
8 ronment in a way that moderates negative effects of
9 extreme events or climate change.”;

10 (C) by inserting after paragraph (4), as so
11 redesignated, the following:

12 “(5) CLIMATE CHANGE.—The term ‘climate
13 change’ means any significant change in the meas-
14 ures of climate lasting for an extended period of
15 time, and may include major changes in tempera-
16 ture, precipitation, wind patterns, or sea level,
17 among others, that occur over several decades or
18 longer.”;

19 (D) in paragraph (6)(A), as so redesign-
20 ated, by inserting “assessing resilience,” after
21 “surveying,”;

22 (E) by inserting after paragraph (6), as so
23 redesignated, the following:

24 “(7) CONTEXT SENSITIVE DESIGN PRIN-
25 CIPLES.—The term ‘context sensitive design prin-

1 principles' means principles for the design of a public
2 road that—

3 “(A) provides for the safe and adequate
4 accommodation, in all phases of project plan-
5 ning, design, and development, transportation
6 facilities for users, including pedestrians,
7 bicyclists, public transportation users, children,
8 older individuals, individuals with disabilities,
9 motorists, and freight vehicles; and

10 “(B) considers the context in which the fa-
11 cility is planned to be constructed to determine
12 the appropriate facility design.”;

13 (F) by inserting after paragraph (8), as so
14 redesignated, the following:

15 “(9) EVACUATION ROUTE.—The term ‘evacu-
16 ation route’ means a transportation route or system
17 that—

18 “(A) is used to transport—

19 “(i) the public away from an emer-
20 gency event; or

21 “(ii) first responders and recovery re-
22 sources in the event of an emergency; and

23 “(B) is identified, consistent with sections
24 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the
25 eligible entity with jurisdiction over the area in

1 which the route is located for the purposes de-
2 scribed in subparagraph (A).”;

3 (G) by inserting after paragraph (14), as
4 so redesignated, the following:

5 “(15) GREENHOUSE GAS.—The term ‘green-
6 house gas’ has the meaning given the term in section
7 211(o)(1)(G) of the Clean Air Act (42 U.S.C.
8 7545(o)(1)(G)).”;

9 (H) by inserting after paragraph (21), as
10 so redesignated, the following:

11 “(22) NATURAL INFRASTRUCTURE.—

12 “(A) IN GENERAL.—The term ‘natural in-
13 frastructure’ means infrastructure that uses, re-
14 stores, or emulates natural ecological processes
15 that—

16 “(i) is created through the action of
17 natural physical, geological, biological, and
18 chemical processes over time;

19 “(ii) is created by human design, en-
20 gineering, and construction to emulate or
21 act in concert with natural processes; or

22 “(iii) involves the use of plants, soils,
23 and other natural features, including
24 through the creation, restoration, or pres-
25 ervation of vegetated areas using materials

1 appropriate to the region to manage
2 stormwater and runoff, to attenuate flood-
3 ing and storm surges, and for other related
4 purposes.

5 “(B) INCLUSION.—The term ‘natural in-
6 frastructure’ includes green infrastructure and
7 nature-based solutions.”;

8 (I) by inserting after paragraph (26), as so
9 redesignated, the following:

10 “(27) PROTECTIVE FEATURE.—

11 “(A) IN GENERAL.—The term ‘protective
12 feature’ means an improvement to a highway or
13 bridge designed to increase resilience or miti-
14 gate the risk of recurring damage or the cost of
15 future repairs from climate change effects, ex-
16 treme events, seismic activity, or any other nat-
17 ural disaster.

18 “(B) INCLUSIONS.—The term ‘protective
19 feature’ includes—

20 “(i) raising roadway grades;

21 “(ii) relocating roadways to higher
22 ground above projected flood elevation lev-
23 els or away from slide prone areas;

24 “(iii) stabilizing slide areas;

25 “(iv) stabilizing slopes;

1 “(v) lengthening or raising bridges to
2 increase waterway openings;

3 “(vi) increasing the size or number of
4 drainage structures;

5 “(vii) replacing culverts with bridges
6 or upsizing culverts;

7 “(viii) installing seismic retrofits on
8 bridges;

9 “(ix) scour, stream stability, coastal,
10 and other hydraulic countermeasures; and

11 “(x) the use of natural infrastruc-
12 ture.”;

13 (J) by inserting after paragraph (29), as
14 so redesignated, the following:

15 “(30) REPEATEDLY DAMAGED FACILITY.—The
16 term ‘repeatedly damaged facility’ means a road,
17 highway, or bridge that has required repair and re-
18 construction activities on 2 or more occasions due to
19 natural disasters or catastrophic failures resulting in
20 emergencies declared by the Governor of the State
21 in which the road, highway, or bridge is located or
22 emergencies or major disasters declared by the
23 President under the Robert T. Stafford Disaster Re-
24 lief and Emergency Assistance Act (42 U.S.C. 5121
25 et seq.).

1 “(31) RESILIENCE.—

2 “(A) IN GENERAL.—The term ‘resilience’
3 means, with respect to a facility, the ability
4 to—

5 “(i) anticipate, prepare for, or adapt
6 to conditions; or

7 “(ii) withstand, respond to, or recover
8 rapidly from disruptions.

9 “(B) INCLUSIONS.—Such term includes,
10 with respect to a facility, the ability to—

11 “(i) resist hazards or withstand im-
12 pacts from disruptions;

13 “(ii) reduce the magnitude, duration,
14 or impact of a disruption; or

15 “(iii) have the absorptive capacity,
16 adaptive capacity, and recoverability to de-
17 crease vulnerability to a disruption.”;

18 (K) by inserting after paragraph (38), as
19 so redesignated, the following:

20 “(39) TRANSPORTATION SYSTEM ACCESS.—The
21 term ‘transportation system access’ means the abil-
22 ity to travel by automobile, public transportation,
23 pedestrian, and bicycle networks, measured by travel
24 time, taking into consideration—

1 “(A) the impacts of the level of travel
2 stress for non-motorized users;

3 “(B) costs for low-income travelers; and

4 “(C) the extent to which transportation ac-
5 cess is impacted by zoning policies and land use
6 planning practices that effect the affordability,
7 elasticity, and diversity of the housing supply.”;
8 and

9 (L) by adding at the end the following:

10 “(45) TRANSPORTATION DEMAND MANAGE-
11 MENT; TDM.—The terms ‘transportation demand
12 management’ and ‘TDM’ mean the use of strategies
13 to inform and encourage travelers to maximize the
14 efficiency of a transportation system leading to im-
15 proved mobility, reduced congestion, and lower vehi-
16 cle emissions.

17 “(46) TRANSPORTATION DEMAND MANAGE-
18 MENT STRATEGIES.—The term ‘transportation de-
19 mand management strategies’ means the use of
20 planning, programs, policy, marketing, communica-
21 tions, incentives, pricing, and technology to shift
22 travel mode, routes used, departure times, number
23 of trips, and location and design work space or pub-
24 lic attractions.”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1) by striking “De-
2 fense,” and inserting “Defense Highways,”;

3 (B) in paragraph (3)—

4 (i) in subparagraph (A) by striking
5 “Century” and inserting “century”;

6 (ii) in subparagraph (G) by striking “;
7 and” and inserting a semicolon;

8 (iii) in subparagraph (H) by striking
9 “Century.” and inserting “century;”; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(I) safety is the highest priority of the
13 Department of Transportation, and the Sec-
14 retary and States should take all actions nec-
15 essary to meet the transportation needs of the
16 21st century for all road users;

17 “(J) climate change presents a significant
18 risk to safety, the economy, and national secu-
19 rity, and reducing the contributions of the
20 transportation system to the Nation’s total car-
21 bon pollution is critical; and

22 “(K) the Secretary and States should take
23 appropriate measures and ensure investments
24 to increase the resilience of the Nation’s trans-
25 portation system.”; and

1 (C) in paragraph (4)(A) by inserting
2 “while ensuring that environmental protections
3 are maintained” after “review process”.

4 **SEC. 1104. APPORTIONMENT.**

5 (a) IN GENERAL.—Section 104 of title 23, United
6 States Code, is amended—

7 (1) in subsection (a)(1) by striking subpara-
8 graphs (A) through (E) and inserting the following:

9 “(A) \$ 506,302,525 for fiscal year 2022;
10 “(B) \$ 509,708,000 for fiscal year 2023;
11 “(C) \$ 520,084,000 for fiscal year 2024;

12 and

13 “(D) \$ 530,459,000 for fiscal year 2025.”;

14 (2) by striking subsections (b) and (c) and in-
15 serting the following:

16 “(b) DIVISION AMONG PROGRAMS OF STATE’S
17 SHARE OF APPORTIONMENT.—The Secretary shall dis-
18 tribute the amount apportioned to a State for a fiscal year
19 under subsection (c) among the covered programs as fol-
20 lows:

21 “(1) NATIONAL HIGHWAY PERFORMANCE PRO-
22 GRAM.—For the national highway performance pro-
23 gram, 55.09 percent of the amount remaining after
24 distributing amounts under paragraphs (4), (6), and
25 (7).

1 “(2) SURFACE TRANSPORTATION PROGRAM.—
2 For the surface transportation program, 28.43 per-
3 cent of the amount remaining after distributing
4 amounts under paragraphs (4), (6), and (7).

5 “(3) HIGHWAY SAFETY IMPROVEMENT PRO-
6 GRAM.—For the highway safety improvement pro-
7 gram, 6.19 percent of the amount remaining after
8 distributing amounts under paragraphs (4), (6), and
9 (7).

10 “(4) CONGESTION MITIGATION AND AIR QUAL-
11 ITY IMPROVEMENT PROGRAM.—

12 “(A) IN GENERAL.—For the congestion
13 mitigation and air quality improvement pro-
14 gram, an amount determined for the State
15 under subparagraphs (B) and (C).

16 “(B) TOTAL AMOUNT.—The total amount
17 for the congestion mitigation and air quality
18 improvement program for all States shall be—

19 “(i) \$2,913,925,833 for fiscal year
20 2022;

21 “(ii) \$2,964,919,535 for fiscal year
22 2023;

23 “(iii) \$3,024,217,926 for fiscal year
24 2024; and

1 “(iv) \$3,078,653,849 for fiscal year
2 2025.

3 “(C) STATE SHARE.—For each fiscal year,
4 the Secretary shall distribute among the States
5 the amount for the congestion mitigation and
6 air quality improvement program under sub-
7 paragraph (B) so that each State receives an
8 amount equal to the proportion that—

9 “(i) the amount apportioned to the
10 State for the congestion mitigation and air
11 quality improvement program for fiscal
12 year 2020; bears to

13 “(ii) the total amount of funds appor-
14 tioned to all States for such program for
15 fiscal year 2020.

16 “(5) NATIONAL HIGHWAY FREIGHT PRO-
17 GRAM.—For the national highway freight program,
18 3.38 percent of the amount remaining after distrib-
19 uting amounts under paragraphs (4), (6), and (7).

20 “(6) METROPOLITAN PLANNING.—

21 “(A) IN GENERAL.—For metropolitan
22 planning, an amount determined for the State
23 under subparagraphs (B) and (C).

1 “(B) TOTAL AMOUNT.—The total amount
2 for metropolitan planning for all States shall
3 be—

4 “(i) \$507,500,000 for fiscal year
5 2022;

6 “(ii) \$516,381,250 for fiscal year
7 2023;

8 “(iii) \$526,708,875 for fiscal year
9 2024; and

10 “(iv) \$536,189,635 for fiscal year
11 2025.

12 “(C) STATE SHARE.—For each fiscal year,
13 the Secretary shall distribute among the States
14 the amount for metropolitan planning under
15 subparagraph (B) so that each State receives
16 an amount equal to the proportion that—

17 “(i) the amount apportioned to the
18 State for metropolitan planning for fiscal
19 year 2020; bears to

20 “(ii) the total amount of funds appor-
21 tioned to all States for metropolitan plan-
22 ning for fiscal year 2020.

23 “(7) RAILWAY CROSSINGS.—

1 “(A) IN GENERAL.—For the railway cross-
2 ings program, an amount determined for the
3 State under subparagraphs (B) and (C).

4 “(B) TOTAL AMOUNT.—The total amount
5 for the railway crossings program for all States
6 shall be \$245,000,000 for each of fiscal years
7 2022 through 2025.

8 “(C) STATE SHARE.—

9 “(i) IN GENERAL.—For each fiscal
10 year, the Secretary shall distribute among
11 the States the amount for the railway
12 crossings program under subparagraph (B)
13 as follows:

14 “(I) 50 percent of the amount for
15 a fiscal year shall be apportioned to
16 States by the formula set forth in sec-
17 tion 104(b)(3)(A) (as in effect on the
18 day before the date of enactment of
19 MAP-21).

20 “(II) 50 percent of the amount
21 for a fiscal year shall be apportioned
22 to States in the ratio that total public
23 railway-highway crossings in each
24 State bears to the total of such cross-
25 ings in all States.

1 “(ii) MINIMUM APPORTIONMENT.—
2 Notwithstanding clause (i), for each fiscal
3 year, each State shall receive a minimum
4 of one-half of 1 percent of the total
5 amount for the railway crossings program
6 for such fiscal year under subparagraph
7 (B).

8 “(8) PREDISASTER MITIGATION PROGRAM.—
9 For the predisaster mitigation program, 2.96 per-
10 cent of the amount remaining after distributing
11 amounts under paragraphs (4), (6), and (7).

12 “(9) CARBON POLLUTION REDUCTION PRO-
13 GRAM.—For the carbon pollution reduction program,
14 3.95 percent of the amount remaining after distrib-
15 uting amounts under paragraphs (4), (6), and (7).

16 “(c) CALCULATION OF AMOUNTS.—

17 “(1) STATE SHARE.—For each of fiscal years
18 2022 through 2025, the amount for each State shall
19 be determined as follows:

20 “(A) INITIAL AMOUNTS.—The initial
21 amounts for each State shall be determined by
22 multiplying—

23 “(i) the combined amount authorized
24 for appropriation for the fiscal year for the
25 covered programs; by

1 “(ii) the share for each State, which
2 shall be equal to the proportion that—

3 “(I) the amount of appor-
4 tionments that the State received for fis-
5 cal year 2020; bears to

6 “(II) the amount of those appor-
7 tionments received by all States for
8 fiscal year 2020.

9 “(B) ADJUSTMENTS TO AMOUNTS.—The
10 initial amounts resulting from the calculation
11 under subparagraph (A) shall be adjusted to
12 ensure that each State receives an aggregate
13 apportionment equal to at least 95 percent of
14 the estimated tax payments attributable to
15 highway users in the State paid into the High-
16 way Trust Fund (other than the Mass Transit
17 Account) in the most recent fiscal year for
18 which data are available.

19 “(2) STATE APPORTIONMENT.—On October 1
20 of fiscal years 2022 through 2025, the Secretary
21 shall apportion the sums authorized to be appro-
22 priated for expenditure on the covered programs in
23 accordance with paragraph (1).”;

24 (3) in subsection (d)(1)(A)—

1 (A) in clause (i) by striking “paragraphs
2 (5)(D) and (6) of subsection (b)” and inserting
3 “subsection (b)(6)”; and

4 (B) in clause (ii) by striking “paragraphs
5 (5)(D) and (6) of subsection (b)” and inserting
6 “subsection (b)(6)”; and

7 (4) by striking subsections (h) and (i) and in-
8 serting the following:

9 “(h) DEFINITION OF COVERED PROGRAMS.—In this
10 section, the term ‘covered programs’ means—

11 “(1) the national highway performance program
12 under section 119;

13 “(2) the surface transportation program under
14 section 133;

15 “(3) the highway safety improvement program
16 under section 148;

17 “(4) the congestion mitigation and air quality
18 improvement program under section 149;

19 “(5) the national highway freight program
20 under section 167;

21 “(6) metropolitan planning under section 134;

22 “(7) the railway crossings program under sec-
23 tion 130;

24 “(8) the predisaster mitigation program under
25 section 124; and

1 “(9) the carbon pollution reduction program
2 under section 171.”.

3 (b) FEDERAL SHARE PAYABLE.—Section 120(c)(3)
4 of title 23, United States Code, is amended—

5 (1) in subparagraph (A) by striking “(5)(D),”;
6 and

7 (2) in subparagraph (C)(i) by striking
8 “(5)(D)”.

9 (c) METROPOLITAN TRANSPORTATION PLANNING;
10 TITLE 23.—Section 134(p) of title 23, United States
11 Code, is amended by striking “paragraphs (5)(D) and (6)
12 of section 104(b)” and inserting “section 104(b)(6)”.

13 (d) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
14 TATION PLANNING.—Section 135(i) of title 23, United
15 States Code, is amended by striking “paragraphs (5)(D)
16 and (6) of section 104(b)” and inserting “section
17 104(b)(6)”.

18 (e) METROPOLITAN TRANSPORTATION PLANNING;
19 TITLE 49.—Section 5303(p) of title 49, United States
20 Code, is amended by striking “section 104(b)(5)” and in-
21 serting “section 104(b)(6)”.

22 **SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
23 **FUND.**

24 Section 105 of title 23, United States Code, is
25 amended—

1 (1) in subsection (a) by striking “FAST Act”
2 and inserting “INVEST in America Act”;

3 (2) in subsection (c)—

4 (A) in paragraph (1)(A) by striking “to be
5 appropriated” each place it appears; and

6 (B) by adding at the end the following:

7 “(4) SPECIAL RULE.—

8 “(A) ADJUSTMENT.—In making an adjust-
9 ment under paragraph (1) for an allocation,
10 reservation, or set-aside from an amount au-
11 thorized from the Highway Account or Mass
12 Transit Account described in subparagraph (B),
13 the Secretary shall—

14 “(i) determine the ratio that—

15 “(I) the amount authorized to be
16 appropriated for the allocation, res-
17 ervation, or set-aside from the account
18 for the fiscal year; bears to

19 “(II) the total amount authorized
20 to be appropriated for such fiscal year
21 for all programs under such account;

22 “(ii) multiply the ratio determined
23 under clause (i) by the amount of the ad-
24 justment determined under subsection
25 (b)(1)(B); and

1 “(iii) adjust the amount that the Sec-
2 retary would have allocated for the alloca-
3 tion, reservation, or set-aside for such fis-
4 cal year but for this section by the amount
5 calculated under clause (ii).

6 “(B) ALLOCATIONS, RESERVATIONS, AND
7 SET-ASIDES.—The allocations, reservations, and
8 set-asides described in this subparagraph are—

9 “(i) from the amount made available
10 for a fiscal year for the Federal lands
11 transportation program under section 203,
12 the amounts allocated for a fiscal year for
13 the National Park Service, the United
14 States Fish and Wildlife Service, and the
15 United States Forest Service;

16 “(ii) the amount made available for
17 the Puerto Rico highway program under
18 section 165(a)(1); and

19 “(iii) the amount made available for
20 the territorial highway program under sec-
21 tion 165(a)(2).”;

22 (3) in subsection (e)—

23 (A) by striking “There is authorized” and
24 inserting “For fiscal year 2022 and each fiscal
25 year thereafter, there is authorized”; and

1 (B) by striking “for any of fiscal years
2 2017 through 2020”; and

3 (4) in subsection (f)(1) by striking “section
4 1102 or 3018 of the FAST Act” and inserting “any
5 other provision of law”.

6 **SEC. 1106. TRANSPARENCY.**

7 (a) APPORTIONMENT.—Section 104 of title 23,
8 United States Code, is amended by striking subsection (g)
9 and inserting the following:

10 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
11 ACCOUNTABILITY REPORTS.—

12 “(1) REQUIREMENT.—

13 “(A) IN GENERAL.—The Secretary shall
14 compile data in accordance with this subsection
15 on the use of Federal-aid highway funds made
16 available under this title.

17 “(B) USER FRIENDLY DATA.—The data
18 compiled under subparagraph (A) shall be in a
19 user friendly format that can be searched,
20 downloaded, disaggregated, and filtered by data
21 category.

22 “(2) PROJECT DATA.—

23 “(A) IN GENERAL.—Not later than 120
24 days after the end of each fiscal year, the Sec-
25 retary shall make available on the website of

1 the Department of Transportation a report that
2 describes—

3 “(i) the location of each active project
4 within each State during such fiscal year,
5 including in which congressional district or
6 districts such project is located;

7 “(ii) the total cost of such project;

8 “(iii) the amount of Federal funding
9 obligated for such project;

10 “(iv) the program or programs from
11 which Federal funds have been obligated
12 for such project;

13 “(v) whether such project is located in
14 an area of the State with a population of—

15 “(I) less than 5,000 individuals;

16 “(II) 5,000 or more individuals
17 but less than 50,000 individuals;

18 “(III) 50,000 or more individuals
19 but less than 200,000 individuals; or

20 “(IV) 200,000 or more individ-
21 uals;

22 “(vi) whether such project is located
23 in an area of persistent poverty, as defined
24 in section 172(l);

1 “(vii) the type of improvement being
2 made by such project, including catego-
3 rizing such project as—

4 “(I) a road reconstruction
5 project;

6 “(II) a new road construction
7 project;

8 “(III) a new bridge construction
9 project;

10 “(IV) a bridge rehabilitation
11 project; or

12 “(V) a bridge replacement
13 project; and

14 “(viii) the functional classification of
15 the roadway on which such project is lo-
16 cated.

17 “(B) INTERACTIVE MAP.—In addition to
18 the data made available under subparagraph
19 (A), the Secretary shall make available on the
20 website of the Department of Transportation an
21 interactive map that displays, for each active
22 project, the information described in clauses (i)
23 through (v) of subparagraph (A).

24 “(3) STATE DATA.—

1 “(A) APPORTIONED AND ALLOCATED PRO-
2 GRAMS.—The website described in paragraph
3 (2)(A) shall be updated annually to display the
4 Federal-aid highway funds apportioned and al-
5 located to each State under this title, includ-
6 ing—

7 “(i) the amount of funding available
8 for obligation by the State, including prior
9 unobligated balances, at the start of the
10 fiscal year;

11 “(ii) the amount of funding obligated
12 by the State during such fiscal year;

13 “(iii) the amount of funding remain-
14 ing available for obligation by the State at
15 the end of such fiscal year; and

16 “(iv) changes in the obligated, unex-
17 pended balance for the State.

18 “(B) PROGRAMMATIC DATA.—The data de-
19 scribed in subparagraph (A) shall include—

20 “(i) the amount of funding by each
21 apportioned and allocated program for
22 which the State received funding under
23 this title;

24 “(ii) the amount of funding trans-
25 ferred between programs by the State dur-

1 ing the fiscal year using the authority pro-
2 vided under section 126; and

3 “(iii) the amount and program cat-
4 egory of Federal funds exchanged as de-
5 scribed in section 106(g)(6).

6 “(4) DEFINITIONS.—In this subsection:

7 “(A) ACTIVE PROJECT.—

8 “(i) IN GENERAL.—The term ‘active
9 project’ means a Federal-aid highway
10 project using funds made available under
11 this title on which those funds were obli-
12 gated or expended during the fiscal year
13 for which the estimated total cost as of the
14 start of construction is greater than
15 \$5,000,000.

16 “(ii) EXCLUSION.—The term ‘active
17 project’ does not include any project for
18 which funds are transferred to agencies
19 other than the Federal Highway Adminis-
20 tration.

21 “(B) INTERACTIVE MAP.—The term ‘inter-
22 active map’ means a map displayed on the pub-
23 lic website of the Department of Transportation
24 that allows a user to select and view informa-

1 tion for each active project, State, and congress-
2 sional district.

3 “(C) STATE.—The term ‘State’ means any
4 of the 50 States or the District of Columbia.”.

5 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
6 106 of title 23, United States Code, is amended—

7 (1) in subsection (g)—

8 (A) in paragraph (4) by striking subpara-
9 graph (B) and inserting the following:

10 “(B) ASSISTANCE TO STATES.—The Sec-
11 retary shall—

12 “(i) develop criteria for States to use
13 to make the determination required under
14 subparagraph (A); and

15 “(ii) provide training, guidance, and
16 other assistance to States and subrecipi-
17 ents as needed to ensure that projects ad-
18 ministered by subrecipients comply with
19 the requirements of this title.

20 “(C) PERIODIC REVIEW.—The Secretary
21 shall review, not less frequently than every 2
22 years, the monitoring of subrecipients by the
23 States.”; and

24 (B) by adding at the end the following:

1 “(6) FEDERAL FUNDING EXCHANGE PRO-
2 GRAMS.—A State may implement a program under
3 which a subrecipient has the option to exchange
4 Federal funds allocated to such subrecipient in ac-
5 cordance with the requirements of this title for State
6 or local funds if the State certifies to the Secretary
7 that the State has prevailing wage and domestic con-
8 tent requirements that are comparable to the re-
9 quirements under sections 113 and 313 and that
10 such requirements shall apply to projects carried out
11 using such funds if such projects would have been
12 subject to the requirements of sections 113 and 313
13 if such projects were carried out using Federal
14 funds.”;

15 (2) in subsection (h)(3)—

16 (A) in subparagraph (B) by striking “, as
17 determined by the Secretary,”; and

18 (B) in subparagraph (D) by striking “shall
19 assess” and inserting “in the case of a project
20 proposed to be advanced as a public-private
21 partnership, shall include a detailed value for
22 money analysis or comparable analysis to deter-
23 mine”; and

24 (3) by adding at the end the following:

25 “(k) MEGAPROJECTS.—

1 “(1) COMPREHENSIVE RISK MANAGEMENT
2 PLAN.—To be authorized for the construction of a
3 megaproject, the recipient of Federal financial as-
4 sistance under this title for such megaproject shall
5 submit to the Secretary a comprehensive risk man-
6 agement plan that contains—

7 “(A) a description of the process by which
8 the recipient will identify, quantify, and monitor
9 the risks, including natural hazards, that might
10 result in cost overruns, project delays, reduced
11 construction quality, or reductions in benefits
12 with respect to the megaproject;

13 “(B) examples of mechanisms the recipient
14 will use to track risks identified pursuant to
15 subparagraph (A);

16 “(C) a plan to control such risks; and

17 “(D) such assurances as the Secretary de-
18 termines appropriate that the recipient shall,
19 with respect to the megaproject—

20 “(i) regularly submit to the Secretary
21 updated cost estimates; and

22 “(ii) maintain and regularly reassess
23 financial reserves for addressing known
24 and unknown risks.

25 “(2) PEER REVIEW GROUP.—

1 “(A) IN GENERAL.—Not later than 90
2 days after the date on which a megaproject is
3 authorized for construction, the recipient of
4 Federal financial assistance under this title for
5 such megaproject shall establish a peer review
6 group for such megaproject that consists of at
7 least 5 individuals (including at least 1 indi-
8 vidual with project management experience) to
9 give expert advice on the scientific, technical,
10 and project management aspects of the
11 megaproject.

12 “(B) MEMBERSHIP.—

13 “(i) IN GENERAL.—Not later than
14 180 days after the date of enactment of
15 this subsection, the Secretary shall estab-
16 lish guidelines describing how a recipient
17 described in subparagraph (A) shall—

18 “(I) recruit and select members
19 for a peer review group established
20 under such subparagraph; and

21 “(II) make publicly available the
22 criteria for such selection and identify
23 the members so selected.

24 “(ii) CONFLICT OF INTEREST.—No
25 member of a peer review group for a

1 megaproject may have a direct or indirect
2 financial interest in such megaproject.

3 “(C) TASKS.—A peer review group estab-
4 lished under subparagraph (A) by a recipient of
5 Federal financial assistance for a megaproject
6 shall—

7 “(i) meet annually until completion of
8 the megaproject;

9 “(ii) not later than 90 days after the
10 date of the establishment of the peer re-
11 view group and not later than 90 days
12 after the date of any significant change, as
13 determined by the Secretary, to the scope,
14 schedule, or budget of the megaproject, re-
15 view the scope, schedule, and budget of the
16 megaproject, including planning, engineer-
17 ing, financing, and any other elements de-
18 termined appropriate by the Secretary; and

19 “(iii) submit to the Secretary, Con-
20 gress, and such recipient a report on the
21 findings of each review under clause (ii).

22 “(3) TRANSPARENCY.—Not later than 90 days
23 after the submission of a report under paragraph
24 (2)(C)(iii), the Secretary shall publish on the website
25 of the Department of Transportation such report.

1 “(4) MEGAPROJECT DEFINED.—In this sub-
2 section, the term ‘megaproject’ means a project
3 under this title that has an estimated total cost of
4 \$2,000,000,000 or more, and such other projects as
5 may be identified by the Secretary.

6 “(1) SPECIAL EXPERIMENTAL PROJECTS.—

7 “(1) PUBLIC AVAILABILITY.—The Secretary
8 shall publish on the website of the Department of
9 Transportation a copy of all letters of interest, pro-
10 posals, workplans, and reports related to the special
11 experimental project authority pursuant to section
12 502(b). The Secretary shall redact confidential busi-
13 ness information, as necessary, from any such infor-
14 mation published.

15 “(2) NOTIFICATION AND OPPORTUNITY FOR
16 COMMENT.—Not later than 30 days before making
17 a determination to proceed with an experiment
18 under a letter of interest described in paragraph (1),
19 the Secretary shall provide notification and an op-
20 portunity for public comment on the letter of inter-
21 est and the Secretary’s proposed response.

22 “(3) REPORT TO CONGRESS.—Not later than 2
23 years after the date of enactment of the INVEST in
24 America Act, the Secretary shall submit to the Com-
25 mittee on Transportation and Infrastructure of the

1 House of Representatives and the Committee on En-
2 vironment and Public Works of the Senate a report
3 that includes—

4 “(A) a summary of each experiment de-
5 scribed in this subsection carried out over the
6 previous 5 years; and

7 “(B) legislative recommendations, if any,
8 based on the findings of such experiments.

9 “(m) COMPETITIVE GRANT PROGRAM OVERSIGHT
10 AND ACCOUNTABILITY.—

11 “(1) IN GENERAL.—To ensure the account-
12 ability and oversight of the discretionary grant selec-
13 tion process administered by the Secretary, a cov-
14 ered program shall be subject to the requirements of
15 this section, in addition to the requirements applica-
16 ble to each covered program.

17 “(2) APPLICATION PROCESS.—The Secretary
18 shall—

19 “(A) develop a template for applicants to
20 use to summarize—

21 “(i) project needs and benefits; and

22 “(ii) any factors, requirements, or
23 considerations established for the applica-
24 ble covered program;

1 “(B) create a data driven process to evalu-
2 ate, as set forth in the covered program, each
3 eligible project for which an application is re-
4 ceived; and

5 “(C) make a determination, based on the
6 evaluation made pursuant to subparagraph (B),
7 on any ratings, rankings, scores, or similar
8 metrics for applications made to the covered
9 program.

10 “(3) NOTIFICATION OF CONGRESS.—Not less
11 than 15 days before making a grant for a covered
12 program, the Secretary shall notify, in writing, the
13 Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on
15 the Environment and Public Works of the Senate
16 of—

17 “(A) the amount for each project proposed
18 to be selected;

19 “(B) a description of the review process;

20 “(C) for each application, the determina-
21 tion made under paragraph (2)(C); and

22 “(D) a detailed explanation of the basis for
23 each award proposed to be selected.

24 “(4) NOTIFICATION OF APPLICANTS.—Not later
25 than 30 days after making a grant for a project

1 under a covered program, the Secretary shall send
2 to all applicants under such covered program, and
3 publish on the website of the Department of Trans-
4 portation—

5 “(A) a summary of each application made
6 to the covered program for the given round of
7 funding; and

8 “(B) the evaluation and justification for
9 the project selection, including all ratings,
10 rankings, scores, or similar metrics for applica-
11 tions made to the covered program for the given
12 round of funding during each phase of the
13 grant selection process.

14 “(5) BRIEFING.—The Secretary shall provide,
15 at the request of a grant applicant of a covered pro-
16 gram, the opportunity to receive a briefing to explain
17 any reasons the grant applicant was not awarded a
18 grant.

19 “(6) TEMPLATE.—The Secretary shall, to the
20 extent practicable, develop a template as described
21 in paragraph (2)(A) for any discretionary program
22 administered by the Secretary that is not a covered
23 program.

1 “(7) COVERED PROGRAM DEFINED.—The term
2 ‘covered program’ means each of the following dis-
3 cretionary grant programs:

4 “(A) Community climate innovation grants
5 under section 172.

6 “(B) Electric vehicle charging and hydro-
7 gen fueling infrastructure grants under section
8 151(f).

9 “(C) Federal lands and tribal major
10 projects grants under section 208.

11 “(D) Safe, efficient mobility through ad-
12 vanced technologies grants under section
13 503(c)(4).”.

14 (c) DIVISION OFFICE CONSISTENCY.—Not later than
15 1 year after the date of enactment of this Act, the Comp-
16 troller General of the United States shall submit to Con-
17 gress a report that—

18 (1) analyzes the consistency of determinations
19 among division offices of the Federal Highway Ad-
20 ministration; and

21 (2) makes recommendations to improve the con-
22 sistency of such determinations.

1 **SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET**
2 **DESIGN.**

3 (a) STANDARDS.—Section 109 of title 23, United
4 States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1) by striking “planned
7 future traffic of the highway in a manner that
8 is conducive to” and inserting “future oper-
9 ational performance of the facility in a manner
10 that enhances”; and

11 (B) in paragraph (2) by inserting “, taking
12 into consideration context sensitive design prin-
13 ciples” after “each locality”;

14 (2) in subsection (b)—

15 (A) by striking “The geometric” and in-
16 serting “DESIGN CRITERIA FOR THE INTER-
17 STATE SYSTEM.—The geometric”; and

18 (B) by striking “the types and volumes of
19 traffic anticipated for such project for the twen-
20 ty-year period commencing on the date of ap-
21 proval by the Secretary, under section 106 of
22 this title, of the plans, specifications, and esti-
23 mates for actual construction of such project”
24 and inserting “the existing and future oper-
25 ational performance of the facility”;

26 (3) in subsection (c)(1)—

1 (A) in subparagraph (C) by striking “;
2 and” and inserting a semicolon;

3 (B) in subparagraph (D) by striking the
4 period and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(E) context sensitive design principles.”;

7 (4) by striking subsection (o) and inserting the
8 following:

9 “(o) COMPLIANCE WITH STATE LAWS FOR NON-
10 NHS PROJECTS.—

11 “(1) IN GENERAL.—Projects (other than high-
12 way projects on the National Highway System)
13 shall—

14 “(A) be designed, constructed, operated,
15 and maintained in accordance with State laws,
16 regulations, directives, safety standards, design
17 standards, and construction standards; and

18 “(B) take into consideration context sen-
19 sitive design principles.

20 “(2) DESIGN FLEXIBILITY.—

21 “(A) IN GENERAL.—A local jurisdiction
22 may deviate from the roadway design publica-
23 tion used by the State in which the local juris-
24 diction is located for the design of a project on

1 a roadway (other than a highway on the Na-
2 tional Highway System) if—

3 “(i) the deviation is approved by the
4 Secretary; and

5 “(ii) the design complies with all other
6 applicable Federal laws.

7 “(B) STATE-OWNED ROADS.—In the case
8 of a roadway under the ownership of the State,
9 the local jurisdiction may only deviate from the
10 roadway design publication used by the State
11 with the concurrence of the State.

12 “(C) PROGRAMMATIC BASIS.—The Sec-
13 retary may approve a deviation under this para-
14 graph on a project, multiple project, or pro-
15 grammatic basis.”; and

16 (5) by adding at the end the following:

17 “(s) CONTEXT SENSITIVE DESIGN.—

18 “(1) CONTEXT SENSITIVE DESIGN PRIN-
19 CIPLES.—The Secretary shall collaborate with the
20 American Association of State Highway Transpor-
21 tation Officials to ensure that any roadway design
22 publications approved by the Secretary under this
23 section provide adequate flexibility for a project
24 sponsor to select the appropriate design of a road-

1 way, consistent with context sensitive design prin-
2 ciples.

3 “(2) POLICIES OR PROCEDURES.—

4 “(A) IN GENERAL.—Not later than 1 year
5 after the Secretary publishes the final guidance
6 described in paragraph (3), each State shall
7 adopt policies or procedures to evaluate the con-
8 text of a proposed roadway and select the ap-
9 propriate design, consistent with context sen-
10 sitive design principles.

11 “(B) LOCAL GOVERNMENTS.—The Sec-
12 retary and States shall encourage local govern-
13 ments to adopt policies or procedures described
14 under subparagraph (A).

15 “(C) CONSIDERATIONS.—The policies or
16 procedures developed under this paragraph
17 shall take into consideration the guidance devel-
18 oped by the Secretary under paragraph (3).

19 “(3) GUIDANCE.—

20 “(A) IN GENERAL.—

21 “(i) NOTICE.—Not later than 1 year
22 after the date of enactment of this sub-
23 section, the Secretary shall publish guid-
24 ance on the official website of the Depart-

1 ment of Transportation on context sen-
2 sitive design.

3 “(ii) PUBLIC REVIEW AND COM-
4 MENT.—The guidance described in this
5 paragraph shall be finalized following an
6 opportunity for public review and com-
7 ment.

8 “(iii) UPDATE.—The Secretary shall
9 periodically update the guidance described
10 in this paragraph, including the model
11 policies or procedures described under sub-
12 paragraph (B)(v).

13 “(B) REQUIREMENTS.—The guidance de-
14 scribed in this paragraph shall—

15 “(i) provide best practices for States,
16 metropolitan planning organizations, re-
17 gional transportation planning organiza-
18 tions, local governments, or other project
19 sponsors to carry out context sensitive de-
20 sign principles;

21 “(ii) identify opportunities to modify
22 planning, scoping, design, and development
23 procedures to more effectively combine
24 modes of transportation into integrated fa-
25 cilities that meet the needs of each of such

1 modes of transportation in an appropriate
2 balance;

3 “(iii) identify metrics to assess the
4 context of the facility, including sur-
5 rounding land use or roadside characteris-
6 tics;

7 “(iv) assess the expected operational
8 and safety performance of alternative ap-
9 proaches to facility design; and

10 “(v) taking into consideration the
11 findings of this guidance, establish model
12 policies or procedures for a State or other
13 project sponsor to evaluate the context of
14 a proposed facility and select the appro-
15 priate facility design for the context.

16 “(C) TOPICS OF EMPHASIS.—In publishing
17 the guidance described in this paragraph, the
18 Secretary shall emphasize—

19 “(i) procedures for identifying the
20 needs of users of all ages and abilities of
21 a particular roadway;

22 “(ii) procedures for identifying the
23 types and designs of facilities needed to
24 serve various modes of transportation;

1 “(iii) safety and other benefits pro-
2 vided by carrying out context sensitive de-
3 sign principles;

4 “(iv) common barriers to carrying out
5 context sensitive design principles;

6 “(v) procedures for overcoming the
7 most common barriers to carrying out con-
8 text sensitive design principles;

9 “(vi) procedures for identifying the
10 costs associated with carrying out context
11 sensitive design principles;

12 “(vii) procedures for maximizing local
13 cooperation in the introduction of context
14 sensitive design principles and carrying out
15 those principles; and

16 “(viii) procedures for assessing and
17 modifying the facilities and operational
18 characteristics of existing roadways to im-
19 prove consistency with context sensitive de-
20 sign principles.

21 “(4) FUNDING.—Amounts made available
22 under sections 104(b)(6) and 505 of this title may
23 be used for States, local governments, metropolitan
24 planning organizations, or regional transportation
25 planning organizations to adopt policies or proce-

1 dures to evaluate the context of a proposed roadway
2 and select the appropriate design, consistent with
3 context sensitive design principles.”.

4 (b) CONFORMING AMENDMENT.—Section 1404(b) of
5 the FAST Act (23 U.S.C. 109 note) is repealed.

6 **SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL**
7 **SHARE.**

8 (a) IN GENERAL.—Section 120(c)(3)(B) of title 23,
9 United States Code, is amended—

10 (1) by striking clauses (i) and (ii) and inserting
11 the following:

12 “(i) prefabricated bridge elements and
13 systems, innovative materials, and other
14 technologies to reduce bridge construction
15 time, extend service life, and reduce preser-
16 vation costs, as compared to conventionally
17 designed and constructed bridges;

18 “(ii) innovative construction equip-
19 ment, materials, techniques, or practices,
20 including the use of in-place recycling tech-
21 nology, digital 3-dimensional modeling
22 technologies, and advanced digital con-
23 struction management systems;”;

24 (2) by redesignating clause (vi) as clause (vii);

1 (3) in clause (v) by striking “or” at the end;

2 and

3 (4) by inserting after clause (v) the following:

4 “(vi) innovative pavement materials
5 that demonstrate reductions in greenhouse
6 gas emissions through sequestration or in-
7 novative manufacturing processes; or”.

8 (b) **TECHNICAL AMENDMENT.**—Section 107(a)(2) of
9 title 23, United States Code, is amended by striking “sub-
10 section (c) of”.

11 **SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
12 **FUNDS.**

13 Section 126(b) of title 23, United States Code, is
14 amended—

15 (1) in the heading by inserting “AND PRO-
16 GRAMS” after “SET-ASIDES”;

17 (2) in paragraph (1) by striking “and
18 133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),
19 133(h), 149, and 171”; and

20 (3) by striking paragraph (2) and inserting the
21 following:

22 “(2) **ENVIRONMENTAL PROGRAMS.**—With re-
23 spect to an apportionment under either paragraph
24 (4) or paragraph (9) of section 104(b), and notwith-
25 standing paragraph (1), a State may only transfer

1 not more than 50 percent from the amount of the
2 apportionment of either such paragraph to the ap-
3 portionment under the other such paragraph in a
4 fiscal year.”.

5 **SEC. 1110. TOLLING.**

6 (a) TOLL ROADS, BRIDGES, TUNNELS, AND FER-
7 RIES.—Section 129 of title 23, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) IN GENERAL.—

13 “(A) AUTHORIZATION.—Subject to the
14 provisions of this section, Federal participation
15 shall be permitted on the same basis and in the
16 same manner as construction of toll-free high-
17 ways is permitted under this chapter in the—

18 “(i) initial construction of a toll high-
19 way, bridge, or tunnel or approach to the
20 highway, bridge, or tunnel;

21 “(ii) initial construction of 1 or more
22 lanes or other improvements that increase
23 capacity of a highway, bridge, or tunnel
24 (other than a highway on the Interstate
25 System) and conversion of that highway,

1 bridge, or tunnel to a tolled facility, if the
2 number of toll-free lanes, excluding auxil-
3 iary lanes, after the construction is not less
4 than the number of toll-free lanes, exclud-
5 ing auxiliary lanes, before the construction;

6 “(iii) initial construction of 1 or more
7 lanes or other improvements that increase
8 the capacity of a highway, bridge, or tun-
9 nel on the Interstate System and conver-
10 sion of that highway, bridge, or tunnel to
11 a tolled facility, if the number of toll-free
12 non-HOV lanes, excluding auxiliary lanes,
13 after such construction is not less than the
14 number of toll-free non-HOV lanes, exclud-
15 ing auxiliary lanes, before such construc-
16 tion;

17 “(iv) reconstruction, resurfacing, res-
18 toration, rehabilitation, or replacement of a
19 toll highway, bridge, or tunnel or approach
20 to the highway, bridge, or tunnel;

21 “(v) reconstruction or replacement of
22 a toll-free bridge or tunnel and conversion
23 of the bridge or tunnel to a toll facility;

24 “(vi) reconstruction of a toll-free Fed-
25 eral-aid highway (other than a highway on

1 the Interstate System) and conversion of
2 the highway to a toll facility;

3 “(vii) reconstruction, restoration, or
4 rehabilitation of a highway on the Inter-
5 state System if the number of toll-free
6 non-HOV lanes, excluding auxiliary lanes,
7 after reconstruction, restoration, or reha-
8 bilitation is not less than the number of
9 toll-free non-HOV lanes, excluding auxil-
10 iary lanes, before reconstruction, restora-
11 tion, or rehabilitation;

12 “(viii) conversion of a high occupancy
13 vehicle lane on a highway, bridge, or tun-
14 nel to a toll facility, subject to the require-
15 ments of section 166; and

16 “(ix) preliminary studies to determine
17 the feasibility of a toll facility for which
18 Federal participation is authorized under
19 this paragraph.

20 “(B) AGREEMENT TO TOLL.—

21 “(i) IN GENERAL.—Before the Sec-
22 retary may authorize tolling under this
23 subsection, the public authority with juris-
24 diction over a highway, bridge, or tunnel
25 shall enter into an agreement with the Sec-

1 retary to ensure compliance with the re-
2 quirements of this subsection.

3 “(ii) APPLICABILITY.—

4 “(I) IN GENERAL.—The require-
5 ments of this subparagraph shall
6 apply to—

7 “(aa) Federal participation
8 under subparagraph (A);

9 “(bb) any prior Federal par-
10 ticipation in the facility proposed
11 to be tolled; and

12 “(cc) conversion, with or
13 without Federal participation, of
14 a non-tolled lane on the National
15 Highway System to a toll facility
16 under subparagraph (E).

17 “(II) HOV FACILITY.—Except as
18 otherwise provided in this subsection
19 or section 166, the provisions of this
20 paragraph shall not apply to a high
21 occupancy vehicle facility.

22 “(iii) MAJOR FEDERAL ACTION.—Ap-
23 proval by the Secretary of an agreement to
24 toll under this paragraph shall be consid-
25 ered a major Federal action under the Na-

1 tional Environmental Policy Act of 1969
2 (42 U.S.C. 4321 et seq.).

3 “(C) AGREEMENT CONDITIONS.—Prior to
4 entering into an agreement to toll under sub-
5 paragraph (B), the public authority shall certify
6 to the Secretary that—

7 “(i) the public authority has estab-
8 lished procedures to ensure the toll meets
9 the purposes and requirements of this sub-
10 section;

11 “(ii) the facility shall provide for ac-
12 cess at no cost to public transportation ve-
13 hicles and over-the-road buses serving the
14 public; and

15 “(iii) the facility shall provide for the
16 regional interoperability of electronic toll
17 collection, including through technologies
18 or business practices.

19 “(D) CONSIDERATION OF IMPACTS.—

20 “(i) IN GENERAL.—Prior to entering
21 into an agreement to toll under subpara-
22 graph (B), the Secretary shall ensure the
23 public authority has adequately considered,
24 including by providing an opportunity for

1 public comment, the following factors with-
2 in the corridor:

3 “(I) Congestion impacts on both
4 the toll facility and in the corridor or
5 cordon (including adjacent toll-free fa-
6 cilities).

7 “(II) In the case of a non-attain-
8 ment or maintenance area, air quality
9 impacts.

10 “(III) Planned investments to
11 improve public transportation or other
12 non-tolled alternatives in the corridor.

13 “(IV) Environmental justice and
14 equity impacts.

15 “(V) Impacts on freight move-
16 ment.

17 “(VI) Economic impacts on busi-
18 nesses.

19 “(ii) CONSIDERATION IN ENVIRON-
20 MENTAL REVIEW.—Nothing in this sub-
21 paragraph shall limit a public authority
22 from meeting the requirements of this sub-
23 paragraph through the environmental re-
24 view process, as applicable.

25 “(E) CONGESTION PRICING.—

1 “(i) IN GENERAL.—The Secretary
2 may authorize conversion of a non-tolled
3 lane on the National Highway System to a
4 toll facility to utilize pricing to manage the
5 demand to use the facility by varying the
6 toll amount that is charged.

7 “(ii) REQUIREMENT.—Prior to enter-
8 ing into an agreement to convert a non-
9 tolled lane on the National Highway Sys-
10 tem to a toll facility, the Secretary shall
11 ensure (in addition to the requirements
12 under subparagraphs (B), (C), and (D))
13 that such toll facility and the planned in-
14 vestments to improve public transportation
15 or other non-tolled alternatives in the cor-
16 ridor are reasonably expected to improve
17 the operation of the cordon or corridor, as
18 described in clauses (iii) and (iv).

19 “(iii) PERFORMANCE MONITORING.—
20 A public authority that enters into an
21 agreement to convert a non-tolled lane to
22 a toll facility under this subparagraph
23 shall—

1 “(I) establish, monitor, and sup-
2 port a performance monitoring, eval-
3 uation, and reporting program—

4 “(aa) for the toll facility
5 that provides for continuous
6 monitoring, assessment, and re-
7 porting on the impacts that the
8 pricing structure may have on
9 the operation of the facility; and

10 “(bb) for the corridor or cor-
11 don that provides for continuous
12 monitoring, assessment, and re-
13 porting on the impacts of conges-
14 tion pricing on the operation of
15 the corridor or cordon;

16 “(II) submit to the Secretary an-
17 nual reports of the impacts described
18 in subelause (I); and

19 “(III) if the facility or the cor-
20 ridor or cordon becomes degraded, as
21 described in clause (iv), submit to the
22 Secretary an annual update that de-
23 scribes the actions proposed to bring
24 the toll facility into compliance and
25 the progress made on such actions.

1 “(iv) DETERMINATION.—

2 “(I) DEGRADED OPERATION.—

3 For purposes of clause (iii)(III), the
4 operation of a toll facility shall be
5 considered to be degraded if vehicles
6 operating on the facility are failing to
7 maintain a minimum average oper-
8 ating speed 90 percent of the time
9 over a consecutive 180-day period
10 during peak hour periods.

11 “(II) DEGRADED CORRIDOR OR
12 CORDON.—For the purposes of clause
13 (iii)(III), a corridor or cordon shall be
14 considered to be degraded if conges-
15 tion pricing or investments to improve
16 public transportation or other non-
17 tolled alternatives have not resulted
18 in—

19 “(aa) an increase in person
20 or freight throughput in the cor-
21 ridor or cordon; or

22 “(bb) a reduction in person
23 hours of delay in the corridor or
24 cordon, as determined by the
25 Secretary.

1 “(III) DEFINITION OF MINIMUM
2 AVERAGE OPERATING SPEED.—In this
3 subparagraph, the term ‘minimum av-
4 erage operating speed’ means—

5 “(aa) 35 miles per hour, in
6 the case of a toll facility with a
7 speed limit of 45 miles per hour
8 or greater; and

9 “(bb) not more than 10
10 miles per hour below the speed
11 limit, in the case of a toll facility
12 with a speed limit of less than 50
13 miles per hour.

14 “(v) MAINTENANCE OF OPERATING
15 PERFORMANCE.—

16 “(I) IN GENERAL.—Not later
17 than 180 days after the date on which
18 a facility or a corridor or cordon be-
19 comes degraded under clause (iv), the
20 public authority with jurisdiction over
21 the facility shall submit to the Sec-
22 retary for approval a plan that details
23 the actions the public authority will
24 take to make significant progress to-
25 ward bringing the facility or corridor

1 or cordon into compliance with this
2 subparagraph.

3 “(II) NOTICE OF APPROVAL OR
4 DISAPPROVAL.—Not later than 60
5 days after the date of receipt of a
6 plan under subclause (I), the Sec-
7 retary shall provide to the public au-
8 thority a written notice indicating
9 whether the Secretary has approved
10 or disapproved the plan based on a
11 determination of whether the imple-
12 mentation of the plan will make sig-
13 nificant progress toward bringing the
14 facility or corridor or cordon into
15 compliance with this subparagraph.

16 “(III) UPDATE.—Until the date
17 on which the Secretary determines
18 that the public authority has brought
19 the facility or corridor or cordon into
20 compliance with this subparagraph,
21 the public authority shall submit an-
22 nual updates that describe—

23 “(aa) the actions taken to
24 bring the facility into compliance;

1 “(bb) the actions taken to
2 bring the corridor or cordon into
3 compliance; and

4 “(cc) the progress made by
5 those actions.

6 “(IV) COMPLIANCE.—If a public
7 authority fails to bring a facility into
8 compliance under this subparagraph,
9 the Secretary may subject the public
10 authority to appropriate program
11 sanctions under section 1.36 of title
12 23, Code of Federal Regulations (or
13 successor regulations), until the per-
14 formance is no longer degraded.

15 “(vi) CONSULTATION OF MPO.—If a
16 toll facility authorized under this subpara-
17 graph is located on the National Highway
18 System and in a metropolitan planning
19 area established in accordance with section
20 134, the public authority shall consult with
21 the metropolitan planning organization for
22 the area.

23 “(vii) INCLUSION.—For the purposes
24 of this paragraph, the corridor or cordon

1 shall include toll-free facilities that are ad-
2 jacent to the toll facility.”;

3 (B) in paragraph (3)—

4 (i) in subparagraph (A)—

5 (I) in clause (iv) by striking
6 “and” at the end; and

7 (II) by striking clause (v) and in-
8 serting the following:

9 “(v) any project eligible under this
10 title or chapter 53 of title 49 that improves
11 the operation of the corridor or cordon by
12 increasing person or freight throughput
13 and reducing person hours of delay;

14 “(vi) toll discounts or rebates for
15 users of the toll facility that have no rea-
16 sonable alternative transportation method
17 to the toll facility; and

18 “(vii) if the public authority certifies
19 annually that the tolled facility is being
20 adequately maintained and the cordon or
21 corridor is not degraded under paragraph
22 (1)(E), any revenues remaining after fund-
23 ing the activities described in clauses (i)
24 through (vi) shall be considered surplus
25 revenue and may be used for any other

1 purpose for which Federal funds may be
2 obligated by a State under this title or
3 chapter 53 of title 49.”;

4 (ii) by striking subparagraph (B) and
5 inserting the following:

6 “(B) TRANSPARENCY.—

7 “(i) ANNUAL AUDIT.—

8 “(I) IN GENERAL.—A public au-
9 thority with jurisdiction over a toll fa-
10 cility shall conduct or have an inde-
11 pendent auditor conduct an annual
12 audit of toll facility records to verify
13 adequate maintenance and compliance
14 with subparagraph (A), and report the
15 results of the audits to the Secretary.

16 “(II) RECORDS.—On reasonable
17 notice, the public authority shall make
18 all records of the public authority per-
19 taining to the toll facility available for
20 audit by the Secretary.

21 “(ii) USE OF REVENUES.—A State or
22 public authority that obligates amounts
23 under clauses (v), (vi), or (vii) of subpara-
24 graph (A) shall annually report to the Sec-
25 retary a list of activities funded with such

1 amounts and the amount of funding pro-
2 vided for each such activity.”;

3 (C) in paragraph (8) by striking “as of the
4 date of enactment of the MAP-21, before com-
5 mencing any activity authorized” and inserting
6 “, before commencing any activity authorized”;

7 (D) in paragraph (9)—

8 (i) by striking “bus” and inserting
9 “vehicle”; and

10 (ii) by striking “buses” and inserting
11 “vehicles”; and

12 (E) by striking paragraph (10) and insert-
13 ing the following:

14 “(10) INTEROPERABILITY OF ELECTRONIC
15 TOLL COLLECTION.—All toll facilities on Federal-aid
16 highways shall provide for the regional interoper-
17 ability of electronic toll collection, including through
18 technologies or business practices.

19 “(11) NONCOMPLIANCE.—If the Secretary con-
20 cludes that a public authority has not complied with
21 the requirements of this subsection, the Secretary
22 may require the public authority to discontinue col-
23 lecting tolls until the public authority and the Sec-
24 retary enter into an agreement for the public author-
25 ity to achieve compliance with such requirements.

1 “(12) DEFINITIONS.—In this subsection, the
2 following definitions apply:

3 “(A) FEDERAL PARTICIPATION.—The term
4 ‘Federal participation’ means the use of funds
5 made available under this title.

6 “(B) HIGH OCCUPANCY VEHICLE; HOV.—
7 The term ‘high occupancy vehicle’ or ‘HOV’
8 means a vehicle with not fewer than 2 occu-
9 pants.

10 “(C) INITIAL CONSTRUCTION.—

11 “(i) IN GENERAL.—The term ‘initial
12 construction’ means the construction of a
13 highway, bridge, tunnel, or other facility at
14 any time before it is open to traffic.

15 “(ii) EXCLUSIONS.—The term ‘initial
16 construction’ does not include any improve-
17 ment to a highway, bridge, tunnel, or other
18 facility after it is open to traffic.

19 “(D) OVER-THE-ROAD BUS.—The term
20 ‘over-the-road bus’ has the meaning given the
21 term in section 301 of the Americans with Dis-
22 abilities Act of 1990 (42 U.S.C. 12181).

23 “(E) PUBLIC AUTHORITY.—The term
24 ‘public authority’ means a State, interstate

1 compact of States, or public entity designated
2 by a State.

3 “(F) PUBLIC TRANSPORTATION VEHI-
4 CLE.—The term ‘public transportation vehicle’
5 has the meaning given that term in section 166.

6 “(G) TOLL FACILITY.—The term ‘toll fa-
7 cility’ means a toll highway, bridge, or tunnel or
8 approach to the highway, bridge, or tunnel con-
9 structed or authorized to be tolled under this
10 subsection.”.

11 (b) REPEAL OF INTERSTATE SYSTEM RECONSTRUC-
12 TION AND REHABILITATION PILOT PROGRAM.—Section
13 1216 of the Transportation Equity Act for the 21st Cen-
14 tury (23 U.S.C. 129 note), and the item related to such
15 section in the table of contents in section 1(b) of such Act,
16 are repealed.

17 (c) VALUE PRICING PILOT PROGRAM.—Section
18 1012(b) of the Intermodal Surface Transportation Effi-
19 ciency Act of 1991 (23 U.S.C. 149 note) is amended by
20 adding at the end the following:

21 “(9) SUNSET.—The Secretary may not consider
22 an expression of interest submitted under this sec-
23 tion after the date of enactment of this paragraph.”.

24 (d) SAVINGS CLAUSE.—

1 (1) APPLICATION OF LIMITATIONS.—Any toll
2 facility described in paragraph (2) shall be subject to
3 the requirements of section 129(a)(3) of title 23,
4 United States Code, as in effect on the day before
5 the date of enactment of this Act.

6 (2) TOLL FACILITIES.—A toll facility described
7 in this paragraph is a facility that, on the day prior
8 to the date of enactment of this Act, was—

9 (A) operating;

10 (B) in the planning and design phase; or

11 (C) in the construction phase.

12 (e) REPORT.—Not later than 180 days after the date
13 of enactment of this Act, the Secretary of Transportation
14 shall submit to Congress a report on the implementation
15 of the interoperability of toll collection as required under
16 section 1512(b) of MAP–21, including an assessment of
17 the progress in, and barriers on, such implementation.

18 **SEC. 1111. HOV FACILITIES.**

19 Section 166 of title 23, United States Code, is
20 amended—

21 (1) in subsection (b)—

22 (A) in paragraph (4)(C)(iii) by striking
23 “transportation buses” and inserting “transpor-
24 tation vehicles”; and

1 (B) in paragraph (5)(B) by striking
2 “2019” and inserting “2025”;

3 **[(2) in subsection (d)(2)(A)(i) by striking “45**
4 **miles per hour, in the case of a toll facility with a**
5 **speed of 50 miles per hour or greater” and inserting**
6 **“35 miles per hour, in the case of a toll facility with**
7 **a speed limit of 45 miles per hour or greater”];**

8 (3) in subsection (d)(2)(B) by striking “morn-
9 ing or evening weekday peak hour periods (or both)”
10 and inserting “peak hour periods”;

11 (4) in subsection (e)—

12 (A) by striking “Not later than 180 days
13 after the date of enactment of this section, the
14 Administrator” and inserting “The Adminis-
15 trator”;

16 (B) in paragraph (1) by striking “and” at
17 the end;

18 (C) in paragraph (2) by striking the period
19 at the end and inserting “; and”; and

20 (D) by adding at the end the following:

21 “(3) not later than 180 days after the date of
22 enactment of the INVEST in America Act, update
23 the requirements established under paragraph (1).”;
24 and

25 (5) in subsection (f)—

- 1 (A) in paragraph (1)—
2 (i) by striking subparagraphs (C),
3 (D), and (F); and
4 (ii) by redesignating subparagraphs
5 (E), (G), (H), and (I) as subparagraphs
6 (C), (D), (E), and (F), respectively; and
7 (B) in paragraph (6)(B)(i) by striking
8 “public entity” and inserting “public transpor-
9 tation service that is a recipient or subrecipient
10 of funds under chapter 53 of title 49”.

11 **SEC. 1112. BUY AMERICA.**

12 (a) IN GENERAL.—Section 313 of title 23, United
13 States Code, is amended—

14 (1) in subsection (a)—

15 (A) by striking “Notwithstanding” and in-
16 serting “IN GENERAL.—Notwithstanding”;

17 (B) by striking “Secretary of Transpor-
18 tation” and inserting “Secretary”;

19 (C) by striking “the Surface Transpor-
20 tation Assistance Act of 1982 (96 Stat. 2097)
21 or”;

22 (D) by striking “and manufactured prod-
23 ucts” and inserting “manufactured products,
24 and construction materials”;

1 (2) in subsection (b) by inserting “DETERMINA-
2 TION.—” before “The provisions”;

3 (3) in subsection (c) by striking “For purposes”
4 and inserting “CALCULATION.—For purposes”;

5 (4) in subsection (d)—

6 (A) by striking “The Secretary of Trans-
7 portation” and inserting “REQUIREMENTS.—
8 The Secretary”; and

9 (B) by striking “the Surface Transpor-
10 tation Assistance Act of 1982 (96 Stat. 2097)
11 or”; and

12 (5) by adding at the end the following:

13 “(h) WAIVER PROCEDURE.—

14 “(1) IN GENERAL.—Not later than 120 days
15 after the submission of a request for a waiver, the
16 Secretary shall make a determination under para-
17 graph (1) or (2) of subsection (b) as to whether sub-
18 section (a) shall apply.

19 “(2) PUBLIC NOTIFICATION AND COMMENT.—

20 “(A) IN GENERAL.—Not later than 30
21 days before making a determination regarding a
22 waiver described in paragraph (1), the Sec-
23 retary shall provide notification and an oppor-
24 tunity for public comment on the request for
25 such waiver.

1 “(B) NOTIFICATION REQUIREMENTS.—The
2 notification required under subparagraph (A)
3 shall—

4 “(i) describe whether the application
5 is being made for a determination de-
6 scribed in subsection (b)(1); and

7 “(ii) be provided to the public by elec-
8 tronic means, including on the public
9 website of the Department of Transpor-
10 tation.

11 “(3) DETERMINATION.—Before a determination
12 described in paragraph (1) takes effect, the Sec-
13 retary shall publish a detailed justification for such
14 determination that addresses all public comments re-
15 ceived under paragraph (2)—

16 “(A) on the public website of the Depart-
17 ment of Transportation; and

18 “(B) if the Secretary issues a waiver with
19 respect to such determination, in the Federal
20 Register.

21 “(i) REVIEW OF NATIONWIDE WAIVERS.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this subsection, and at
24 least every 5 years thereafter, the Secretary shall re-
25 view any standing nationwide waiver issued by the

1 Secretary under this section to ensure such waiver
2 remains justified.

3 “(2) PUBLIC NOTIFICATION AND OPPORTUNITY
4 FOR COMMENT.—

5 “(A) IN GENERAL.—Not later than 30
6 days before the completion of a review under
7 paragraph (1), the Secretary shall provide noti-
8 fication and an opportunity for public comment
9 on such review.

10 “(B) MEANS OF NOTIFICATION.—Notifica-
11 tion provided under this subparagraph shall be
12 provided by electronic means, including on the
13 public website of the Department of Transpor-
14 tation.

15 “(3) DETAILED JUSTIFICATION IN FEDERAL
16 REGISTER.—After the completion of a review under
17 paragraph (1), the Secretary shall publish in the
18 Federal Register a detailed justification for the de-
19 termination made under paragraph (1) that address-
20 es all public comments received under paragraph
21 (2).

22 “(j) REPORT.—Not later than 120 days after the last
23 day of each fiscal year, the Secretary shall submit to the
24 Committee on Transportation and Infrastructure of the
25 House of Representatives, the Committee on Appropria-

1 tions of the House of Representatives, the Committee on
2 Environment and Public Works of the Senate, and the
3 Committee on Appropriations of the Senate a report on
4 the waivers provided under subsection (h) during the pre-
5 vious fiscal year and the justifications for such waivers.”.

6 (b) SAFETEA-LU TECHNICAL CORRECTIONS ACT
7 OF 2008.—Section 117 of the SAFETEA-LU Technical
8 Corrections Act of 2008 (23 U.S.C. 313 note) is repealed.

9 **SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIRE-**
10 **MENTS.**

11 (a) IN GENERAL.—Except as otherwise provided in
12 subsection (b), notwithstanding any other provision of law,
13 the Secretary shall require recipients of assistance under
14 title 23, United States Code, and title I of division B this
15 Act and the amendments made by this Act to comply with
16 subsection (a) of section 113 of title 23, United States
17 Code, with respect to all construction work, in the same
18 manner that recipients of assistance under chapter 1 of
19 such title are required to comply with such subsection for
20 construction work performed on highway projects on Fed-
21 eral-aid highways.

22 (b) TREATMENT OF CERTAIN PROJECTS.—The Sec-
23 retary shall apply the requirements of section 1306(l) of
24 this Act and sections 117(k), 172(j), and 173(k) of title

1 23, United States Code, to a project funded with a grant
2 under such sections.

3 **SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR**
4 **CATEGORICAL EXCLUSIONS.**

5 Section 326(c)(3) of title 23, United States Code, is
6 amended—

7 (1) by striking subparagraph (A) and inserting
8 the following:

9 “(A) except as provided under subpara-
10 graph (C), have a term of not more than 3
11 years;”;

12 (2) in subparagraph (B) by striking the period
13 at the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(C) for any State that has assumed the
16 responsibility for categorical exclusions under
17 this section for at least 10 years, have a term
18 of 5 years.”.

19 **SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIV-**
20 **ERY PROGRAM WRITTEN AGREEMENTS.**

21 Section 327 of title 23, United States Code, is
22 amended—

23 (1) in subsection (c)—

24 (A) by striking paragraph (5) and insert-
25 ing the following:

1 “(5) except as provided under paragraph (7),
2 have a term of not more than 5 years;”;

3 (B) in paragraph (6) by striking the period
4 at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(7) for any State that has participated in a
7 program under this section (or under a predecessor
8 program) for at least 10 years, have a term of 10
9 years.”;

10 (2) in subsection (g)(1)—

11 (A) in subparagraph (C) by striking “an-
12 nual”;

13 (B) in subparagraph (B) by striking “and”
14 at the end;

15 (C) by redesignating subparagraph (C) as
16 subparagraph (D); and

17 (D) by inserting after subparagraph (B)
18 the following:

19 “(C) in the case of an agreement period of
20 greater than 5 years under subsection (c)(7),
21 conduct an audit covering the first 5 years of
22 the agreement period; and”; and

23 (3) by adding at the end the following:

24 “(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—

25 A State agency that is assigned a responsibility under an

1 agreement under this section shall be deemed to be a Fed-
2 eral agency for the purposes of all Federal laws pursuant
3 to which the responsibility is exercised.”.

4 **SEC. 1116. CORROSION PREVENTION FOR BRIDGES.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPLICABLE BRIDGE PROJECTS.—The term
7 “applicable bridge projects” means a project for con-
8 struction, alteration, or maintenance work, other
9 than de minimus maintenance or repair work as de-
10 termined by the applicable State department of
11 transportation, on a bridge or overpass structure
12 funded under title 23, United States Code.

13 (2) CERTIFIED CONTRACTOR.—The term “cer-
14 tified contractor” means a contracting or subcon-
15 tracting firm that has been certified by a third party
16 organization that evaluates the capability of the con-
17 tractor or subcontractor to properly perform one or
18 more specified aspects of applicable bridge projects
19 as defined in subsection (b)(2).

20 (3) QUALIFIED TRAINING PROGRAM.—The term
21 “qualified training program” means a training pro-
22 gram in corrosion control, mitigation and prevention,
23 that is either offered or accredited by an organiza-
24 tion that sets industry corrosion standards or is rec-
25 ognized in corrosion management transportation

1 structures by the Department of Transportation, for
2 the purposes of controlling, mitigating and pre-
3 venting corrosion, or a program registered under the
4 Act of August 16, 1937 (29 U.S.C. 50 et seq.) (com-
5 monly known as the “National Apprenticeship Act”)
6 that meets the requirements of parts 29 and 30 of
7 title 29, Code of Federal Regulations, as in effect on
8 January 1, 2020.

9 (b) APPLICABLE BRIDGE PROJECTS.—

10 (1) QUALITY CONTROL.—A certified contractor
11 shall carry out aspects of an applicable bridge
12 project described in paragraph (2).

13 (2) ASPECTS OF APPLICABLE BRIDGE
14 PROJECTS.—Aspects of an applicable bridge project
15 referred to in paragraph (1) include—

16 (A) surface preparation or coating applica-
17 tion on steel or rebar of an applicable bridge
18 project;

19 (B) removal of a lead-based or other haz-
20 ardous coating from steel of an existing applica-
21 ble bridge project;

22 (C) shop painting of structural steel or
23 rebar fabricated for installation on an applica-
24 ble bridge project; and

1 (D) the design, application, installation
2 and maintenance of a cathodic protection sys-
3 tem on an applicable bridge project.

4 (3) CORROSION MANAGEMENT SYSTEM.—A
5 State transportation department shall—

6 (A) implement a corrosion management
7 system that utilizes industry-recognized stand-
8 ards and corrosion mitigation and prevention
9 methods to address—

10 (i) surface preparation;

11 (ii) protective coatings;

12 (iii) materials selection;

13 (iv) cathodic protection;

14 (v) corrosion engineering;

15 (vi) personnel training; and

16 (vii) best practices in environmental
17 protection to prevent environmental deg-
18 radation and uphold public health;

19 (B) require certified contractors that em-
20 ploy appropriately trained and certified coating
21 applicators to carry out aspects of applicable
22 bridge projects as described in paragraph (2);
23 and

24 (C) use certified cathodic protection profes-
25 sionals for all aspects of applicable bridge

1 projects that require knowledge of the design,
2 installation, monitoring, or maintenance of a
3 cathodic protection system.

4 (c) TRAINING PROGRAM.—As a condition of entering
5 into a contract for an applicable bridge project, each cer-
6 tified contractor shall provide training, through a qualified
7 training program, for each applicable craft or trade classi-
8 fication of employees that the certified contractor intends
9 to employ to carry out aspects of applicable bridge projects
10 as described in subsection (b)(2).

11 **SEC. 1117. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) States should utilize life-cycle cost analysis
14 to evaluate the total economic cost of a transpor-
15 tation project over its expected lifetime; and

16 (2) data indicating that future repair costs as-
17 sociated with a transportation project frequently
18 total more than half of the initial cost of the project,
19 and that conducting life-cycle cost analysis prior to
20 construction will help States identify the most cost-
21 effective option, improve their economic perform-
22 ance, and lower the total cost of building and main-
23 taining the project.

1 **Subtitle B—Programmatic**
2 **Infrastructure Investment**

3 **SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

4 Section 119 of title 23, United States Code, is
5 amended—

6 (1) by striking subsection (b) and inserting the
7 following:

8 “(b) PURPOSES.—The purposes of the national high-
9 way performance program shall be—

10 “(1) to provide support for the condition and
11 performance of the National Highway System, con-
12 sistent with the asset management plans of States;

13 “(2) to support progress toward the achieve-
14 ment of performance targets of States established
15 under section 150;

16 “(3) to increase the resilience of Federal-aid
17 highways and bridges; and

18 “(4) to provide support for the construction of
19 new facilities on the National Highway System, con-
20 sistent with subsection (d)(3).”;

21 (2) in subsection (d)—

22 (A) in paragraph (1)(A) by striking “or
23 freight movement on the National Highway
24 System” and inserting “freight movement, envi-

1 ronmental sustainability, transportation system
2 access, or combating climate change”;

3 (B) in paragraph (1)(B) by striking “and”
4 at the end;

5 (C) in paragraph (2)—

6 (i) in subparagraph (G)—

7 (I) in clause (i) by inserting
8 “and” at the end;

9 (II) in clause (ii) by striking “;
10 and” and inserting a period; and

11 (III) by striking clause (iii);

12 (ii) in subparagraph (I) by inserting
13 “, including the installation of safety bar-
14 riers and nets on bridges on the National
15 Highway System” after “National High-
16 way System”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(Q) Projects on or off the National High-
20 way System to reduce greenhouse gas emissions
21 that are eligible under section 171, including
22 the installation of electric vehicle charging in-
23 frastructure.

1 “(R) Projects on or off the National High-
2 way System to enhance resilience of a transpor-
3 tation facility, including protective features.

4 “(S) Projects and strategies to reduce ve-
5 hicle-caused wildlife mortality related to, or to
6 restore and maintain connectivity among terres-
7 trial or aquatic habitats affected by, a transpor-
8 tation facility otherwise eligible for assistance
9 under this section.

10 “(T) Projects on or off the National High-
11 way System to improve an evacuation route eli-
12 gible under section 124(b)(1)(C).

13 “(U) Undergrounding public utilities in the
14 course of other infrastructure improvements eli-
15 gible under this section to mitigate the cost of
16 recurring damages from extreme weather
17 events, wildfire or other natural disasters.”; and

18 (D) by adding at the end the following:

19 “(3) a project that is otherwise eligible under
20 this subsection to construct new capacity for single
21 occupancy passenger vehicles only if the State—

22 “(A) has demonstrated progress in achiev-
23 ing a state of good repair, as defined in the
24 State’s asset management plan, on the National
25 Highway System;

- 1 “(B) demonstrates that the project—
- 2 “(i) supports the achievement of per-
- 3 formance targets of the State established
- 4 under section 150; and
- 5 “(ii) is more cost effective, as deter-
- 6 mined by benefit-cost analysis, than—
- 7 “(I) an operational improvement
- 8 to the facility or corridor;
- 9 “(II) the construction of a transit
- 10 project eligible for assistance under
- 11 chapter 53 of title 49; or
- 12 “(III) the construction of a non-
- 13 single occupancy passenger vehicle
- 14 project that improves freight move-
- 15 ment; and
- 16 “(C) has a public plan for maintaining and
- 17 operating the new asset while continuing its
- 18 progress in achieving a state of good repair
- 19 under subparagraph (A).”;
- 20 (3) in subsection (e)—
- 21 (A) in the heading by inserting “ASSET
- 22 AND” after “STATE”;
- 23 (B) in paragraph (4)(D) by striking “anal-
- 24 ysis” and inserting “analyses, both of which

1 shall take into consideration climate change ad-
2 aptation and resilience;” and

3 (C) in paragraph (8) by striking “Not later
4 than 18 months after the date of enactment of
5 the MAP-21, the Secretary” and inserting
6 “The Secretary”; and

7 (4) by adding at the end the following:

8 “(k) BENEFIT-COST ANALYSIS.—In carrying out sub-
9 section (d)(3)(B)(ii), the Secretary shall establish a proc-
10 ess for analyzing the cost and benefits of projects under
11 such subsection, ensuring that—

12 “(1) the benefit-cost analysis includes a calcula-
13 tion of all the benefits addressed in the performance
14 measures established under section 150;

15 “(2) the benefit-cost analysis includes a consid-
16 eration of the total maintenance cost of an asset
17 over the lifecycle of the asset; and

18 “(3) the State demonstrates that any travel de-
19 mand modeling used to calculate the benefit-cost
20 analysis has a documented record of accuracy.”.

21 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
22 **TATION ASSETS.**

23 (a) PREDISASTER MITIGATION PROGRAM.—

1 (1) IN GENERAL.—Chapter 1 of title 23, United
2 States Code, is amended by inserting after section
3 123 the following:

4 **“§ 124. Predisaster mitigation program**

5 “(a) ESTABLISHMENT.—The Secretary shall estab-
6 lish and implement a predisaster mitigation program to
7 enhance the resilience of the transportation system of the
8 United States, mitigate the impacts of covered events, and
9 ensure the efficient use of Federal resources.

10 “(b) ELIGIBLE ACTIVITIES.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 funds apportioned to the State under section
13 104(b)(8) may be obligated for construction activi-
14 ties, including construction of natural infrastructure
15 or protective features and the development of such
16 projects and programs that help agencies, to—

17 “(A) increase the resilience of a surface
18 transportation infrastructure asset to withstand
19 a covered event;

20 “(B) relocate or provide a reasonable alter-
21 native to a repeatedly damaged facility;

22 “(C) for an evacuation route identified in
23 the vulnerability assessment required under sec-
24 tion 134(i)(2)(I)(iii) or section 135(f)(10)(C)—

1 “(i) improve the capacity or operation
2 of such evacuation route through—

3 “(I) communications and intel-
4 ligent transportation system equip-
5 ment and infrastructure;

6 “(II) counterflow measures; and

7 “(III) shoulders; and

8 “(ii) relocate such evacuation route or
9 provide a reasonable alternative to such
10 evacuation route to address the risk of a
11 covered event; and

12 “(D) recover from incidents that signifi-
13 cantly disrupt a regions transportation system
14 including—

15 “(i) predisaster training programs
16 that help agencies and regional stake-
17 holders plan for and prepare multimodal
18 recovery efforts; and

19 “(ii) the establishment of regional
20 wide telework training and programs.

21 “(2) INFRASTRUCTURE RESILIENCE AND ADAP-
22 TATION.—No funds shall be obligated to a project
23 under this section unless the project meets each of
24 the following criteria:

1 “(A) The project is designed to ensure re-
2 silience over the anticipated service life of the
3 surface transportation infrastructure asset.

4 “(B) The project is identified in the metro-
5 politan or statewide transportation improve-
6 ment program as a project to address resilience
7 vulnerabilities, consistent with section
8 134(j)(3)(E) or 135(g)(5)(B)(iii).

9 “(C) For a project in a flood-prone area,
10 the project sponsor considers hydrologic and hy-
11 draulic data and methods that integrate current
12 and projected changes in flooding based on cli-
13 mate science over the anticipated service life of
14 the surface transportation infrastructure asset
15 and future forecasted land use changes.

16 “(3) PRIORITIZATION OF PROJECTS.—A State
17 shall develop a process to prioritize projects under
18 this section based on the degree to which the pro-
19 posed project would—

20 “(A) be cost effective;

21 “(B) reduce the risk of disruption to a sur-
22 face transportation infrastructure asset consid-
23 ered critical to support population centers,
24 freight movement, economic activity, evacu-

1 ation, recovery, or national security functions;
2 and

3 “(C) ease disruptions to vulnerable, at-
4 risk, or transit-dependant populations.

5 “(c) GUIDANCE.—The Secretary shall provide guid-
6 ance to States to assist with the implementation of para-
7 graphs (2) and (3) of subsection (b).

8 “(d) DEFINITIONS.—In this section:

9 “(1) COVERED EVENT.—The term ‘covered
10 event’ means a climate change effect (including sea
11 level rise), an extreme event, seismic activity, or any
12 other natural disaster (including a wildfire or land-
13 slide).

14 “(2) SURFACE TRANSPORTATION INFRASTRUC-
15 TURE ASSET.—The term ‘surface transportation in-
16 frastructure asset’ means a facility eligible for as-
17 sistance under this title or chapter 53 of title 49.”.

18 (2) CONFORMING AMENDMENT.—The analysis
19 for chapter 1 of title 23, United States Code, is
20 amended by inserting after the item relating to sec-
21 tion 123 the following:

“124. Predisaster mitigation program.”.

22 (b) METROPOLITAN TRANSPORTATION PLANNING.—

23 (1) AMENDMENTS TO TITLE 23.—

24 (A) CLIMATE CHANGE AND RESILIENCE.—

25 Section 134(i)(2) of title 23, United States

1 Code, is amended by adding at the end the fol-
2 lowing:

3 “(I) CLIMATE CHANGE AND RESILIENCE.—

4 “(i) IN GENERAL.—The transpor-
5 tation planning process shall assess strate-
6 gies to reduce the climate change impacts
7 of the surface transportation system and
8 conduct a vulnerability assessment to iden-
9 tify opportunities to enhance the resilience
10 of the surface transportation system and
11 ensure the efficient use of Federal re-
12 sources.

13 “(ii) CLIMATE CHANGE MITIGATION
14 AND IMPACTS.—A long-range transpor-
15 tation plan shall—

16 “(I) identify investments and
17 strategies to reduce transportation-re-
18 lated sources of greenhouse gas emis-
19 sions per capita;

20 “(II) identify investments and
21 strategies to manage transportation
22 demand and increase the rates of pub-
23 lic transportation ridership, walking,
24 bicycling, and carpools; and

1 “(III) recommend zoning and
2 other land use policies that would sup-
3 port infill, transit-oriented develop-
4 ment, and mixed use development.

5 “(iii) VULNERABILITY ASSESSMENT.—
6 A long-range transportation plan shall in-
7 corporate a vulnerability assessment that—

8 “(I) includes a risk-based assess-
9 ment of vulnerabilities of critical
10 transportation assets and systems to
11 covered events (as such term is de-
12 fined in section 124);

13 “(II) considers, as applicable, the
14 risk management analysis in the
15 State’s asset management plan devel-
16 oped pursuant to section 119, and the
17 State’s evaluation of reasonable alter-
18 natives to repeatedly damaged facili-
19 ties conducted under part 667 of title
20 23, Code of Federal Regulations;

21 “(III) identifies evacuation
22 routes, assesses the ability of any
23 such routes to provide safe passage
24 for evacuation and emergency re-
25 sponse during an emergency event,

1 and identifies any improvements or
2 redundant facilities necessary to ade-
3 quately facilitate safe passage;

4 “(IV) describes the metropolitan
5 planning organization’s adaptation
6 and resilience improvement strategies
7 that will inform the transportation in-
8 vestment decisions of the metropolitan
9 planning organization; and

10 “(V) is consistent with and com-
11 plementary of the State and local
12 mitigation plans required under sec-
13 tion 322 of the Robert T. Stafford
14 Disaster Relief and Emergency Assist-
15 ance Act (42 U.S.C. 5165).

16 “(iv) CONSULTATION.—The assess-
17 ment described in this subparagraph shall
18 be developed in consultation with, as ap-
19 propriate, State, local, and Tribal officials
20 responsible for land use, housing, resil-
21 ience, hazard mitigation, and emergency
22 management.”.

23 (B) RESILIENCE PROJECTS.—Section
24 134(j)(3) of title 23, United States Code, is
25 amended by adding at the end the following:

1 “(E) RESILIENCE PROJECTS.—The TIP
2 shall—

3 “(i) identify projects that address the
4 vulnerabilities identified by the assessment
5 in subsection (i)(2)(I)(iii); and

6 “(ii) describe how each project identi-
7 fied under clause (i) would improve the re-
8 silience of the transportation system.”.

9 (2) AMENDMENTS TO TITLE 49.—

10 (A) CLIMATE CHANGE AND RESILIENCE.—
11 Section 5303(i)(2) of title 49, United States
12 Code, is amended by adding at the end the fol-
13 lowing:

14 “(I) CLIMATE CHANGE AND RESILIENCE.—

15 “(i) IN GENERAL.—The transpor-
16 tation planning process shall assess strate-
17 gies to reduce the climate change impacts
18 of the surface transportation system and
19 conduct a vulnerability assessment to iden-
20 tify opportunities to enhance the resilience
21 of the surface transportation system and
22 ensure the efficient use of Federal re-
23 sources.

1 “(ii) CLIMATE CHANGE MITIGATION
2 AND IMPACTS.—A long-range transpor-
3 tation plan shall—

4 “(I) identify investments and
5 strategies to reduce transportation-re-
6 lated sources of greenhouse gas emis-
7 sions per capita;

8 “(II) identify investments and
9 strategies to manage transportation
10 demand and increase the rates of pub-
11 lic transportation ridership, walking,
12 bicycling, and carpools; and

13 “(III) recommend zoning and
14 other land use policies that would sup-
15 port infill, transit-oriented develop-
16 ment, and mixed use development.

17 “(iii) VULNERABILITY ASSESSMENT.—
18 A long-range transportation plan shall in-
19 corporate a vulnerability assessment that—

20 “(I) includes a risk-based assess-
21 ment of vulnerabilities of critical
22 transportation assets and systems to
23 covered events (as such term is de-
24 fined in section 124 of title 23);

1 “(II) considers, as applicable, the
2 risk management analysis in the
3 State’s asset management plan devel-
4 oped pursuant to section 119 of title
5 23, and the State’s evaluation of rea-
6 sonable alternatives to repeatedly
7 damaged facilities conducted under
8 part 667 of title 23, Code of Federal
9 Regulations;

10 “(III) identifies evacuation
11 routes, assesses the ability of any
12 such routes to provide safe passage
13 for evacuation and emergency re-
14 sponse during an emergency event,
15 and identifies any improvements or
16 redundant facilities necessary to ade-
17 quately facilitate safe passage;

18 “(IV) describes the metropolitan
19 planning organization’s adaptation
20 and resilience improvement strategies
21 that will inform the transportation in-
22 vestment decisions of the metropolitan
23 planning organization; and

24 “(V) is consistent with and com-
25 plementary of the State and local

1 mitigation plans required under sec-
2 tion 322 of the Robert T. Stafford
3 Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5165).

5 “(iv) CONSULTATION.—The assess-
6 ment described in this subparagraph shall
7 be developed in consultation, as appro-
8 priate, with State, local, and Tribal offi-
9 cials responsible for land use, housing, re-
10 siliency, hazard mitigation, and emergency
11 management.”.

12 (B) RESILIENCE PROJECTS.—Section
13 5303(j)(3) of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(E) RESILIENCE PROJECTS.—The TIP
16 shall—

17 “(i) identify projects that address the
18 vulnerabilities identified by the assessment
19 in subsection (i)(2)(I)(iii); and

20 “(ii) describe how each project identi-
21 fied under clause (i) would improve the re-
22 siliency of the transportation system.”.

23 (c) STATEWIDE AND NONMETROPOLITAN PLAN-
24 NING.—

25 (1) AMENDMENTS TO TITLE 23.—

1 (A) CLIMATE CHANGE AND RESILIENCE.—
2 Section 135(f) of title 23, United States Code,
3 is amended by adding at the end the following:

4 “(10) CLIMATE CHANGE AND RESILIENCE.—

5 “(A) IN GENERAL.—The transportation
6 planning process shall assess strategies to re-
7 duce the climate change impacts of the surface
8 transportation system and conduct a vulner-
9 ability assessment to identify opportunities to
10 enhance the resilience of the surface transpor-
11 tation system and ensure the efficient use of
12 Federal resources.

13 “(B) CLIMATE CHANGE MITIGATION AND
14 IMPACTS.—A long-range transportation plan
15 shall—

16 “(i) identify investments and strate-
17 gies to reduce transportation-related
18 sources of greenhouse gas emissions per
19 capita;

20 “(ii) identify investments and strate-
21 gies to manage transportation demand and
22 increase the rates of public transportation
23 ridership, walking, bicycling, and carpooling;
24 and

1 “(iii) recommend zoning and other
2 land use policies that would support infill,
3 transit-oriented development, and mixed
4 use development.

5 “(C) VULNERABILITY ASSESSMENT.—A
6 long-range transportation plan shall incorporate
7 a vulnerability assessment that—

8 “(i) includes a risk-based assessment
9 of vulnerabilities of critical transportation
10 assets and systems to covered events (as
11 such term is defined in section 124);

12 “(ii) considers, as applicable, the risk
13 management analysis in the State’s asset
14 management plan developed pursuant to
15 section 119, and the State’s evaluation of
16 reasonable alternatives to repeatedly dam-
17 aged facilities conducted under part 667 of
18 title 23, Code of Federal Regulations;

19 “(iii) identifies evacuation routes, as-
20 sesses the ability of any such routes to pro-
21 vide safe passage for evacuation and emer-
22 gency response during an emergency event,
23 and identifies any improvements or redun-
24 dant facilities necessary to adequately fa-
25 cilitate safe passage;

1 “(iv) describes the States’s adaptation
2 and resilience improvement strategies that
3 will inform the transportation investment
4 decisions of the State; and

5 “(v) is consistent with and com-
6 plementary of the State and local mitiga-
7 tion plans required under section 322 of
8 the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C.
10 5165).

11 “(D) CONSULTATION.—The assessment
12 described in this subparagraph shall be devel-
13 oped in consultation with, as appropriate, State,
14 local, and Tribal officials responsible for land
15 use, housing, resilience, hazard mitigation, and
16 emergency management.”.

17 (B) RESILIENCE PROJECTS.—Section
18 135(g)(5)(B) of title 23, United States Code, is
19 amended by adding at the end the following:

20 “(iii) RESILIENCE PROJECTS.—The
21 STIP shall—

22 “(I) identify projects that ad-
23 dress the vulnerabilities identified by
24 the assessment in subsection
25 (i)(10)(B); and

1 “(II) describe how each project
2 identified under subclause (I) would
3 improve the resilience of the transpor-
4 tation system.”.

5 (2) AMENDMENTS TO TITLE 49.—

6 (A) CLIMATE CHANGE AND RESILIENCE.—

7 Section 5304(f) of title 49, United States Code,
8 is amended by adding at the end the following:

9 “(10) CLIMATE CHANGE AND RESILIENCE.—

10 “(A) IN GENERAL.—The transportation
11 planning process shall assess strategies to re-
12 duce the climate change impacts of the surface
13 transportation system and conduct a vulner-
14 ability assessment to identify opportunities to
15 enhance the resilience of the surface transpor-
16 tation system and ensure the efficient use of
17 Federal resources.

18 “(B) CLIMATE CHANGE MITIGATION AND
19 IMPACTS.—A long-range transportation plan
20 shall—

21 “(i) identify investments and strate-
22 gies to reduce transportation-related
23 sources of greenhouse gas emissions per
24 capita;

1 “(ii) identify investments and strate-
2 gies to manage transportation demand and
3 increase the rates of public transportation
4 ridership, walking, bicycling, and carools;
5 and

6 “(iii) recommend zoning and other
7 land use policies that would support infill,
8 transit-oriented development, and mixed
9 use development.

10 “(C) VULNERABILITY ASSESSMENT.—A
11 long-range transportation plan shall incorporate
12 a vulnerability assessment that—

13 “(i) includes a risk-based assessment
14 of vulnerabilities of critical transportation
15 assets and systems to covered events (as
16 such term is defined in section 124 of title
17 23);

18 “(ii) considers, as applicable, the risk
19 management analysis in the State’s asset
20 management plan developed pursuant to
21 section 119 of title 23, and the State’s
22 evaluation of reasonable alternatives to re-
23 peatedly damaged facilities conducted
24 under part 667 of title 23, Code of Federal
25 Regulations;

1 “(iii) identifies evacuation routes, as-
2 sesses the ability of any such routes to pro-
3 vide safe passage for evacuation and emer-
4 gency response during an emergency event,
5 and identifies any improvements or redun-
6 dant facilities necessary to adequately fa-
7 cilitate safe passage;

8 “(iv) describes the State’s adaptation
9 and resilience improvement strategies that
10 will inform the transportation investment
11 decisions of the State; and

12 “(v) is consistent with and com-
13 plementary of the State and local mitiga-
14 tion plans required under section 322 of
15 the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C.
17 5165).

18 “(D) CONSULTATION.—The assessment
19 described in this subparagraph shall be devel-
20 oped in consultation with, as appropriate, State,
21 local, and Tribal officials responsible for land
22 use, housing, resilience, hazard mitigation, and
23 emergency management.”.

1 (B) RESILIENCE PROJECTS.—Section
2 5304(g)(5)(B) of title 49, United States Code,
3 is amended by adding at the end the following:

4 “(iii) RESILIENCE PROJECTS.—The
5 STIP shall—

6 “(I) identify projects that ad-
7 dress the vulnerabilities identified by
8 the assessment in subsection
9 (i)(10)(B); and

10 “(II) describe how each project
11 identified under subclause (I) would
12 improve the resilience of the transpor-
13 tation system.”.

14 **SEC. 1203. EMERGENCY RELIEF.**

15 (a) IN GENERAL.—Section 125 of title 23, United
16 States Code, is amended—

17 (1) in subsection (a)(1) by inserting “wildfire,”
18 after “severe storm,”;

19 (2) by striking subsection (b);

20 (3) in subsection (c)(2)(A) by striking “in any
21 1 fiscal year commencing after September 30,
22 1980,” and inserting “in any fiscal year”;

23 (4) in subsection (d)—

24 (A) in paragraph (3)(C) by striking “sub-
25 section (e)(1)” and inserting “subsection (g)”;

1 (B) by redesignating paragraph (3) as
2 paragraph (4); and

3 (C) by striking paragraphs (1) and (2) and
4 inserting the following:

5 “(1) IN GENERAL.—The Secretary may expend
6 funds from the emergency fund authorized by this
7 section only for the repair or reconstruction of high-
8 ways on Federal-aid highways in accordance with
9 this chapter.

10 “(2) RESTRICTIONS.—

11 “(A) IN GENERAL.—No funds shall be ex-
12 pended from the emergency fund authorized by
13 this section unless—

14 “(i) an emergency has been declared
15 by the Governor of the State with concur-
16 rence by the Secretary, unless the Presi-
17 dent has declared the emergency to be a
18 major disaster for the purposes of the Rob-
19 ert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5121 et
21 seq.) for which concurrence of the Sec-
22 retary is not required; and

23 “(ii) the Secretary has received an ap-
24 plication from the State transportation de-
25 partment that includes a comprehensive

1 list of all eligible project sites and repair
2 costs by not later than 2 years after the
3 natural disaster or catastrophic failure.

4 “(B) COST LIMITATION.—The total cost of
5 a project funded under this section may not ex-
6 ceed the cost of repair or reconstruction of a
7 comparable facility unless the Secretary deter-
8 mines that the project incorporates economi-
9 cally justified betterments, including protective
10 features to increase the resilience of the facility.

11 “(3) SPECIAL RULE FOR BRIDGE PROJECTS.—
12 In no case shall funds be used under this section for
13 the repair or reconstruction of a bridge—

14 “(A) that has been permanently closed to
15 all vehicular traffic by the State or responsible
16 local official because of imminent danger of col-
17 lapse due to a structural deficiency or physical
18 deterioration; or

19 “(B) if a construction phase of a replace-
20 ment structure is included in the approved
21 statewide transportation improvement program
22 at the time of an event described in subsection
23 (a).”;

24 (5) in subsection (e)—

25 (A) by striking paragraph (1);

1 (B) in paragraph (2) by striking “sub-
2 section (d)(1)” and inserting “subsection
3 (c)(1)”; and

4 (C) by redesignating paragraphs (2) and
5 (3), as amended, as paragraphs (1) and (2), re-
6 spectively;

7 (6) by redesignating subsections (c) through
8 (g), as amended, as subsections (b) through (f), re-
9 spectively; and

10 (7) by adding at the end the following:

11 “(g) IMPOSITION OF DEADLINE.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of law, the Secretary may not require any
14 project funded under this section to advance to the
15 construction obligation stage before the date that is
16 the last day of the sixth fiscal year after the later
17 of—

18 “(A) the date on which the Governor de-
19 clared the emergency, as described in subsection
20 (d)(2)(A)(i); or

21 “(B) the date on which the President de-
22 clared the emergency to be a major disaster, as
23 described in such subsection.

24 “(2) EXTENSION OF DEADLINE.—If the Sec-
25 retary imposes a deadline for advancement to the

1 construction obligation stage pursuant to paragraph
2 (1), the Secretary may, upon the request of the Gov-
3 ernor of the State, issue an extension of not more
4 than 1 year to complete such advancement, and may
5 issue additional extensions after the expiration of
6 any extension, if the Secretary determines the Gov-
7 ernor of the State has provided suitable justification
8 to warrant such an extension.

9 “(h) PREDISASTER HAZARD MITIGATION PILOT
10 PROGRAM.—

11 “(1) IN GENERAL.—The Secretary shall estab-
12 lish a predisaster mitigation program for the pur-
13 pose of mitigating future hazards posed to Federal-
14 aid highways.

15 “(2) DISTRIBUTION OF FUNDS.—Every 6
16 months, the Secretary shall total the amount of
17 funds made available to each State, territory, Tribal
18 or other eligible entity under the emergency relief
19 program under this section during the preceding 6
20 months and remit an additional 5 percent from the
21 Highway Trust Fund to such entities for eligible ac-
22 tivities described in paragraph (3).

23 “(3) ELIGIBLE ACTIVITIES.—Funds made avail-
24 able under paragraph (2) shall be used for mitiga-
25 tion projects and activities that the Secretary deter-

1 mines are cost effective and which substantially re-
2 duce the risk of, or increase resilience to, future
3 damage as a result of natural disasters, including by
4 flood, hurricane, tidal wave, earthquake, severe
5 storm, or landslide, by upgrading existing assets to
6 meet or exceed design standards adopted by the
7 Federal Highway Administration by—

8 “(A) relocating or elevating roadways;

9 “(B) increasing the size or number of
10 drainage structures, including culverts;

11 “(C) installing mitigation measures to pre-
12 vent the impairment of transportation assets as
13 a result of the intrusion of floodwaters;

14 “(D) improving bridges to expand water
15 capacity and prevent flooding;

16 “(E) deepening channels to prevent asset
17 inundation and improve drainage;

18 “(F) improving strength of natural fea-
19 tures adjacent to highway right-of-way to pro-
20 mote additional flood storage;

21 “(G) installing or upgrading tide gates and
22 flood gates;

23 “(H) stabilizing slide areas or slopes;

24 “(I) installing seismic retrofits for bridges;

25 “(J) adding scour protection at bridges;

1 “(K) adding scour, stream stability, coast-
2 al, or other hydraulic countermeasures, includ-
3 ing riprap;

4 “(L) installing intelligent transportation
5 system equipment to monitor infrastructure
6 quality; and

7 “(M) any other protective features as de-
8 termined by the Secretary.

9 “(4) REPORT.—The Secretary shall submit to
10 the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Committee
12 on Environment and Public Works of the Senate an
13 annual report detailing—

14 “(A) a description of the activities carried
15 out under the pilot program;

16 “(B) an evaluation of the effectiveness of
17 the pilot program in meeting purposes descried
18 in paragraph (1);

19 “(C) policy recommendations to improve
20 the effectiveness of the pilot program.

21 “(i) IMPROVING THE EMERGENCY RELIEF PRO-
22 GRAM.—Not later than 90 days after the date of enact-
23 ment of the INVEST in America Act, the Secretary
24 shall—

1 “(1) revise the emergency relief manual of the
2 Federal Highway Administration—

3 “(A) to include and reflect the definition of
4 the term ‘resilience’ (as defined in section
5 101(a));

6 “(B) to identify procedures that States
7 may use to incorporate resilience into emer-
8 gency relief projects; and

9 “(C) to encourage the use of context sen-
10 sitive design principles and consideration of ac-
11 cess for moderate- and low-income families im-
12 pacted by a declared disaster;

13 “(2) develop best practices for improving the
14 use of resilience in—

15 “(A) the emergency relief program under
16 section 125; and

17 “(B) emergency relief efforts;

18 “(3) provide to division offices of the Federal
19 Highway Administration and State departments of
20 transportation information on the best practices de-
21 veloped under paragraph (2); and

22 “(4) develop and implement a process to
23 track—

1 “(A) the consideration of resilience as part
2 of the emergency relief program under section
3 125; and

4 “(B) the costs of emergency relief projects.
5 “(j) DEFINITIONS.—In this section:

6 “(1) COMPARABLE FACILITY.—The term ‘com-
7 parable facility’ means a facility that meets the cur-
8 rent geometric and construction standards required
9 for the types and volume of traffic that the facility
10 will carry over its design life.

11 “(2) CONSTRUCTION PHASE.—The term ‘con-
12 struction phase’ means the phase of physical con-
13 struction of a highway or bridge facility that is sepa-
14 rate from any other identified phases, such as plan-
15 ning, design, or right-of-way phases, in the State
16 transportation improvement program.

17 “(3) OPEN TO PUBLIC TRAVEL.—The term
18 ‘open to public travel’ means with respect to a road,
19 that, except during scheduled periods, extreme
20 weather conditions, or emergencies, the road—

21 “(A) is maintained;

22 “(B) is open to the general public; and

23 “(C) can accommodate travel by a stand-
24 ard passenger vehicle, without restrictive gates
25 or prohibitive signs or regulations, other than

1 for general traffic control or restrictions based
2 on size, weight, or class of registration.

3 “(4) STANDARD PASSENGER VEHICLE.—The
4 term ‘standard passenger vehicle’ means a vehicle
5 with 6 inches of clearance from the lowest point of
6 the frame, body, suspension, or differential to the
7 ground.”.

8 (b) SUNSET.—On the date that is 5 years after the
9 date of enactment of this Act, the authority provided
10 under section 125(h) of title 23, United States Code, shall
11 terminate.

12 (c) CONFORMING AMENDMENTS.—

13 (1) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—Section 201(c)(8)(A) of title
14 TATION PROGRAMS.—Section 201(c)(8)(A) of title
15 23, United States Code, is amended by striking
16 “section 125(e)” and inserting “section 125(g)”.

17 (2) TRIBAL TRANSPORTATION PROGRAM.—Section
18 tion 202(b)(6)(A) of title 23, United States Code, is
19 amended by striking “section 125(e)” and inserting
20 “section 125(d)”.

21 (d) REPEAL.—Section 668.105(h) of title 23, Code
22 of Federal Regulations, is repealed.

23 **SEC. 1204. RAILWAY CROSSINGS.**

24 (a) IN GENERAL.—Section 130 of title 23, United
25 States Code, is amended—

1 (1) in the section heading by striking “**Rail-**
2 **way-highway crossings**” and inserting “**Rail-**
3 **way crossings**”;

4 (2) in subsection (a)—

5 (A) by striking “Subject to section 120
6 and subsection (b) of this section, the entire”
7 and inserting “IN GENERAL.—The”;

8 (B) by striking “then the entire” and in-
9 serting “the”; and

10 (C) by striking “, subject to section 120
11 and subsection (b) of this section,”;

12 (3) by amending subsection (b) to read as fol-
13 lows:

14 “(b) CLASSIFICATION.—

15 “(1) IN GENERAL.—The construction of
16 projects for the elimination of hazards at railway
17 crossings represents a benefit to the railroad. The
18 Secretary shall classify the various types of projects
19 involved in the elimination of hazards of railway-
20 highway crossings, and shall set for each such classi-
21 fication a percentage of the total project cost that
22 represent the benefit to the railroad or railroads for
23 the purpose of determining the railroad’s share of
24 the total project cost. The Secretary shall determine
25 the appropriate classification of each project.

1 “(2) NONCASH CONTRIBUTIONS.—

2 “(A) IN GENERAL.—Not more than 5 per-
3 cent of the cost share described in paragraph
4 (1) may be attributable to noncash contribu-
5 tions of materials and labor furnished by the
6 railroad in connection with the construction of
7 such project.

8 “(B) REQUIREMENT.—The requirements
9 under section 200.306 and 200.403(g) of title
10 2, Code of Federal Regulations (or successor
11 regulations), shall apply to any noncash con-
12 tributions under this subsection.

13 “(3) TOTAL PROJECT COST.—For the purposes
14 of this subsection, the determination of the rail-
15 road’s share of the total project cost shall include
16 environment, design, right-of-way, utility accommo-
17 dation, and construction phases of the project.”;

18 (4) in subsection (c)—

19 (A) by striking “Any railroad involved”
20 and inserting “BENEFIT.—Any railroad in-
21 volved”;

22 (B) by striking “the net benefit” and in-
23 serting “the cost associated with the benefit”;
24 and

1 (C) by striking “Such payment may con-
2 sist in whole or in part of materials and labor
3 furnished by the railroad in connection with the
4 construction of such project.”;

5 (5) by striking subsection (e) and inserting the
6 following:

7 “(e) RAILWAY CROSSINGS.—

8 “(1) ELIGIBLE ACTIVITIES.—Funds appor-
9 tioned to a State under section 104(b)(7) may be ob-
10 ligated for the following:

11 “(A) The elimination of hazards at rail-
12 way-highway crossings, including technology or
13 protective upgrades.

14 “(B) Construction (including installation
15 and replacement) of protective devices at rail-
16 way-highway crossings.

17 “(C) Infrastructure and noninfrastructure
18 projects and strategies to prevent or reduce sui-
19 cide or trespasser fatalities and injuries along
20 railroad rights-of-way and at or near railway-
21 highway crossings.

22 “(D) Projects to mitigate any degradation
23 in the level of access from a highway-grade
24 crossing closure.

1 “(E) Bicycle and pedestrian railway grade
2 crossing improvements, including underpasses
3 and overpasses.

4 “(F) Projects eligible under section
5 22907(c)(5) of title 49, provided that amounts
6 obligated under this subparagraph—

7 “(i) shall be administered by the Sec-
8 retary in accordance with such section as
9 if such amounts were made available to
10 carry out such section; and

11 “(ii) may be used to pay up to 90 per-
12 cent of the non-Federal share of the cost
13 of a project carried out under such section.

14 “(2) SPECIAL RULE.—If a State demonstrates
15 to the satisfaction of the Secretary that the State
16 has met all its needs for installation of protective de-
17 vices at railway-highway crossings, the State may
18 use funds made available by this section for other
19 highway safety improvement program purposes.”;

20 (6) by striking subsection (f) and inserting the
21 following:

22 “(f) FEDERAL SHARE.—Notwithstanding section
23 120, the Federal share payable on account of any project
24 financed with funds made available to carry out subsection
25 (e) shall be up to 90 percent of the cost thereof.”;

1 (7) by striking subsection (g) and inserting the
2 following:

3 “(g) REPORT.—

4 “(1) STATE REPORT.—

5 “(A) IN GENERAL.—Not later than 2 years
6 after the date of enactment of the INVEST in
7 America Act, and at least biennially thereafter,
8 each State shall submit to the Secretary a re-
9 port on the progress being made to implement
10 the railway crossings program authorized by
11 this section and the effectiveness of such im-
12 provements.

13 “(B) CONTENTS.—Each State report
14 under subparagraph (A) shall contain an as-
15 sessment of the costs of the various treatments
16 employed and subsequent accident experience at
17 improved locations.

18 “(2) DEPARTMENTAL REPORT.—

19 “(A) IN GENERAL.—Not later than 180
20 days after the deadline for the submission of a
21 report under paragraph (1)(A), the Secretary
22 shall publish on the website of the Department
23 of Transportation a report on the progress
24 being made by the State in implementing
25 projects to improve railway-highway crossings.

1 “(B) CONTENTS.—The report under sub-
2 paragraph (A) shall include—

3 “(i) the number of projects under-
4 taken;

5 “(ii) distribution of such projects by
6 cost range, road system, nature of treat-
7 ment, and subsequent accident experience
8 at improved locations;

9 “(iii) an analysis and evaluation of
10 each State program;

11 “(iv) the identification of any State
12 found not to be in compliance with the
13 schedule of improvements required by sub-
14 section (d); and

15 “(v) recommendations for future im-
16 plementation of the railway crossings pro-
17 gram.”;

18 (8) in subsection (j)—

19 (A) in the heading by inserting “AND PE-
20 DESTRIAN” after “BICYCLE”; and

21 (B) by inserting “and pedestrian” after
22 “bicycle”; and

23 (9) in subsection (l)—

24 (A) in paragraph (1) by striking “Not
25 later than” and all that follows through “each

1 State” and inserting “Not later than 6 months
2 after a new railway crossing becomes oper-
3 ational, each State”; and

4 (B) in paragraph (2) by striking “On a
5 periodic” and all that follows through “every
6 year thereafter” and inserting “On or before
7 September 30 of each year”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 1 of title 23, United States Code, is amended by
10 amending the item relating to section 130 to read as fol-
11 lows:

“130. Railway crossings.”.

12 (c) GAO STUDY.—Not later than 2 years after the
13 date of enactment of this Act, the Comptroller General
14 of the United States shall submit to Congress a report
15 that includes an analysis of the effectiveness of the railway
16 crossing program under section 130 of title 23, United
17 States Code.

18 (d) SENSE OF CONGRESS RELATING TO TRESPASSER
19 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the
20 sense of Congress that the Department of Transportation
21 should, where feasible, coordinate departmental efforts to
22 prevent or reduce trespasser deaths along railroad rights-
23 of-way and at or near railway-highway crossings.

1 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

2 (a) IN GENERAL.—Section 133 of title 23, United
3 States Code, is amended—

4 (1) in the heading by striking “**block grant**”;

5 (2) in subsection (a) by striking “block grant”;

6 (3) in subsection (b)—

7 (A) by striking “block grant”;

8 (B) in paragraph (4) by striking “railway-
9 highway grade crossings” and inserting
10 “projects eligible under section 130 and instal-
11 lation of safety barriers and nets on bridges”;

12 (C) in paragraph (6)—

13 (i) by striking “Recreational” and in-
14 serting “Transportation alternatives
15 projects eligible under subsection (h), rec-
16 reational”; and

17 (ii) by striking “1404 of SAFETEA-
18 LU (23 U.S.C. 402 note)” and inserting
19 “211”; and

20 (D) by adding at the end the following:

21 “(16) Protective features (including natural in-
22 frastructure and vegetation control and clearance) to
23 enhance the resilience of a transportation facility
24 otherwise eligible for assistance under this section.

1 “(17) Projects to reduce greenhouse gas emis-
2 sions eligible under section 171, including the instal-
3 lation of electric vehicle charging infrastructure.

4 “(18) Projects and strategies to reduce vehicle-
5 caused wildlife mortality related to, or to restore and
6 maintain connectivity among terrestrial or aquatic
7 habitats affected by, a transportation facility other-
8 wise eligible for assistance under this section.

9 “(19) A surface transportation project carried
10 out in accordance with the national travel and tour-
11 ism infrastructure strategic plan under section
12 1431(e) of the FAST Act (49 U.S.C. 301 note).”;

13 (4) in subsection (c)—

14 (A) by striking “block grant” and inserting
15 “program”;

16 (B) by striking paragraph (3) and insert-
17 ing the following:

18 “(3) for a project described in—

19 “(A) subsection (h); or

20 “(B) section 101(a)(29), as in effect on
21 the day before the date of enactment of the
22 FAST Act;”;

23 (C) by redesignating paragraph (4) as
24 paragraph (5); and

1 (D) by inserting after paragraph (3) the
2 following:

3 “(4) for a project described in section 5308 of
4 title 49; and”;

5 (5) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by inserting “each fiscal year”
8 after “apportioned to a State”;

9 (ii) by striking “the reservation of”
10 and inserting “setting aside”; and

11 (iii) in subparagraph (A)—

12 (I) by striking “the percentage
13 specified in paragraph (6) for a fiscal
14 year” and inserting “57 percent for
15 fiscal year 2022, 58 percent for fiscal
16 year 2023, 59 percent for fiscal year
17 2024, and 60 percent for fiscal year
18 2025”;

19 (II) in clause (i) by striking “of
20 over” and inserting “greater than”;
21 and

22 (III) by striking clauses (ii) and
23 (iii) and inserting the following:

1 “(ii) in urbanized areas of the State
2 with an urbanized area population greater
3 than 49,999 and less than 200,001;

4 “(iii) in urban areas of the State with
5 a population greater than 4,999 and less
6 than 50,000; and

7 “(iv) in other areas of the State with
8 a population less than 5,000; and”;

9 (B) by striking paragraph (3) and insert-
10 ing the following:

11 “(3) LOCAL COORDINATION AND CONSULTA-
12 TION.—

13 “(A) COORDINATION WITH METROPOLITAN
14 PLANNING ORGANIZATIONS.—For purposes of
15 paragraph (1)(A)(ii), a State shall—

16 “(i) establish a process to coordinate
17 with all metropolitan planning organiza-
18 tions in the State that represent an urban-
19 ized area described in such paragraph; and

20 “(ii) describe how funds described
21 under paragraph (1)(A)(ii) will be allo-
22 cated equitably among such urbanized
23 areas during the period of fiscal years
24 2022 through 2025.

1 “(B) JOINT RESPONSIBILITY.—Each State
2 and the Secretary shall jointly ensure compli-
3 ance with subparagraph (A).

4 “(C) CONSULTATION WITH REGIONAL
5 TRANSPORTATION PLANNING ORGANIZA-
6 TIONS.—For purposes of clauses (iii) and (iv)
7 of paragraph (1)(A), before obligating funding
8 attributed to an area with a population less
9 than 50,000, a State shall consult with the re-
10 gional transportation planning organizations
11 that represent the area, if any.”;

12 (C) in the heading for paragraph (4) by
13 striking “OVER 200,000” and inserting “GREAT-
14 ER THAN 200,000”;

15 (D) by striking paragraph (6) and insert-
16 ing the following:

17 “(6) TECHNICAL ASSISTANCE.—

18 “(A) IN GENERAL.—The State and all
19 metropolitan planning organizations in the
20 State that represent an urbanized area with a
21 population of greater than 200,000 shall jointly
22 establish a program to improve the ability of
23 applicants to deliver projects under this sub-
24 section in an efficient and expeditious manner
25 and reduce the period of time between the selec-

1 tion of the project and the obligation of funds
2 for the project by providing—

3 “(i) technical assistance and training
4 to applicants for projects under this sub-
5 section; and

6 “(ii) funding for 1 or more full-time
7 State employee positions to administer this
8 subsection.

9 “(B) ELIGIBLE FUNDS.—To carry out this
10 paragraph—

11 “(i) a State shall set aside an amount
12 equal to 1 percent of the funds available
13 under paragraph (1)(A)(i); and

14 “(ii) at the request of an eligible met-
15 ropolitan planning organization, the State
16 and metropolitan planning organization
17 may jointly agree to use additional funds
18 available under paragraph (1)(A)(i).

19 “(C) USE OF FUNDS.—Amounts used
20 under this paragraph may be expended—

21 “(i) directly by the State; or

22 “(ii) through contracts with State
23 agencies, private entities, or nonprofit or-
24 ganizations.”;

25 (6) in subsection (e)(1)—

1 (A) by striking “over 200,000” and insert-
2 ing “greater than 200,000”; and

3 (B) by striking “2016 through 2020” and
4 inserting “2022 through 2025”;

5 (7) by striking subsection (f) and inserting the
6 following:

7 “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

8 “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In
9 this subsection, the term ‘off-system bridge’ means
10 a bridge located on a public road, other than a
11 bridge on a Federal-aid highway.

12 “(2) SPECIAL RULE.—

13 “(A) SET ASIDE.—Of the amounts appor-
14 tioned to a State for each fiscal year under this
15 section other than the amounts described in
16 subparagraph (C), the State shall obligate for
17 activities described in subsection (b)(2) (as in
18 effect on the day before the date of enactment
19 of the FAST Act) for off-system bridges an
20 amount that is not less than 20 percent of the
21 amounts available to such State under this sec-
22 tion in fiscal year 2020, not including the
23 amounts described in subparagraph (C).

24 “(B) REDUCTION OF EXPENDITURES.—

25 The Secretary, after consultation with State

1 and local officials, may reduce the requirement
2 for expenditures for off-system bridges under
3 subparagraph (A) with respect to the State if
4 the Secretary determines that the State has in-
5 adequate needs to justify the expenditure.

6 “(C) LIMITATIONS.—The following
7 amounts shall not be used for the purposes of
8 meeting the requirements of subparagraph (A):

9 “(i) Amounts described in section
10 133(d)(1)(A).

11 “(ii) Amounts set aside under section
12 133(h).

13 “(iii) Amounts described in section
14 505(a).

15 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-
16 AID HIGHWAYS.—Notwithstanding any other provi-
17 sion of law, with respect to any project not on a
18 Federal-aid highway for the replacement of a bridge
19 or rehabilitation of a bridge that is wholly funded
20 from State and local sources, is eligible for Federal
21 funds under this section, is certified by the State to
22 have been carried out in accordance with all stand-
23 ards applicable to such projects under this section,
24 and is determined by the Secretary upon completion
25 to be no longer a deficient bridge—

1 “(A) any amount expended after the date
2 of enactment of this subsection from State and
3 local sources for the project in excess of 20 per-
4 cent of the cost of construction of the project
5 may be credited to the non-Federal share of the
6 cost of other bridge projects in the State that
7 are eligible for Federal funds under this sec-
8 tion; and

9 “(B) that crediting shall be conducted in
10 accordance with procedures established by the
11 Secretary.”; and

12 (8) in subsection (g)(1)—

13 (A) by striking “subsection (d)(1)(A)(ii)
14 for each of fiscal years 2016 through 2020”
15 and inserting “subsection (d)(1)(A)(iv) for each
16 fiscal year”;

17 (B) by inserting “rural” after “functionally
18 classified as”; and

19 (C) by inserting “or local roads, or on crit-
20 ical rural freight corridors designated under
21 section 167(e)” after “minor collectors”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 1 of title 23, United States Code, is amended by strik-
24 ing the item relating to section 133 and inserting the fol-
25 lowing:

“133. Surface transportation program.”.

1 (c) CONFORMING AMENDMENTS.—

2 (1) ADVANCE ACQUISITION OF REAL PROP-
3 erty.—Section 108(c) of title 23, United States
4 Code, is amended—

5 (A) in paragraph (2)(A) by striking “block
6 grant”; and

7 (B) in paragraph (3) by striking “block
8 grant”.

9 (2) NONDISCRIMINATION.—Section 140(b) of
10 title 23, United States Code, is amended by striking
11 “block grant”.

12 (3) PUBLIC TRANSPORTATION.—Section
13 142(e)(2) of title 23, United States Code, is amend-
14 ed by striking “block grant”.

15 (4) HIGHWAY USE TAX EVASION PROJECTS.—
16 Section 143(b)(8) of title 23, United States Code, is
17 amended in the heading by striking “BLOCK
18 GRANT”.

19 (5) CONGESTION MITIGATION AND AIR QUALITY
20 IMPROVEMENT PROGRAM.—Section 149(d) of title
21 23, United States Code, is amended—

22 (A) in paragraph (1)(B) by striking “block
23 grant”; and

24 (B) in paragraph (2)(A) by striking “block
25 grant”.

1 (6) TERRITORIAL AND PUERTO RICO HIGHWAY
2 PROGRAM.—Section 165 of title 23, United States
3 Code, is amended—

4 (A) in subsection (b)(2)(A)(ii) by striking
5 “block grant” each time such term appears;
6 and

7 (B) in subsection (c)(6)(A)(i) by striking
8 “block grant”.

9 (7) MAGNETIC LEVITATION TRANSPORTATION
10 TECHNOLOGY DEPLOYMENT PROGRAM.—Section
11 322(h)(3) of title 23, United States Code, is amend-
12 ed by striking “block grant”.

13 (8) TRAINING AND EDUCATION.—Section
14 504(a)(4) of title 23, United States Code, is amend-
15 ed by striking “block grant”.

16 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

17 Section 133(h) of title 23, United States Code, is
18 amended to read as follows:

19 “(h) TRANSPORTATION ALTERNATIVES PROGRAM
20 SET-ASIDE.—

21 “(1) SET ASIDE.—For each fiscal year, of the
22 total funds apportioned to all States under section
23 104(b)(2) for a fiscal year, the Secretary shall set
24 aside an amount such that—

1 “(A) the Secretary sets aside a total
2 amount under this subsection for a fiscal year
3 equal to 10 percent of such total funds; and

4 “(B) the State’s share of the amount set
5 aside under subparagraph (A) is determined by
6 multiplying the amount set aside under sub-
7 paragraph (A) by the ratio that—

8 “(i) the amount apportioned to the
9 State for the transportation enhancement
10 program for fiscal year 2009 under section
11 133(d)(2), as in effect on the day before
12 the date of enactment of MAP–21; bears
13 to

14 “(ii) the total amount of funds appor-
15 tioned to all States for the transportation
16 enhancements program for fiscal year
17 2009.

18 “(2) ALLOCATION WITHIN A STATE.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), funds set aside for a State
21 under paragraph (1) shall be obligated within
22 that State in the manner described in sub-
23 sections (d) and (e), except that, for purposes
24 of this paragraph (after funds are made avail-
25 able under paragraph (5))—

1 “(i) for each fiscal year, the percent-
2 age referred to in paragraph (1)(A) of sub-
3 section (d) shall be deemed to be 66 per-
4 cent; and

5 “(ii) paragraph (3) of subsection (d)
6 shall not apply.

7 “(B) LOCAL CONTROL.—

8 “(i) IN GENERAL.—A State may make
9 available up to 100 percent of the funds
10 set aside under paragraph (1) to the enti-
11 ties described in subclause (I) if the State
12 submits to the Secretary, and the Sec-
13 retary approves, a plan that describes—

14 “(I) how such funds shall be
15 made available to metropolitan plan-
16 ning organizations, regional transpor-
17 tation planning organizations, coun-
18 ties, or other regional transportation
19 authorities;

20 “(II) how the entities described
21 in subclause (I) shall select projects
22 for funding and how such entities
23 shall report selected projects to the
24 State;

1 “(III) the legal, financial, and
2 technical capacity of such entities; and

3 “(IV) the procedures in place to
4 ensure such entities comply with the
5 requirements of this title.

6 “(ii) REQUIREMENT.—A State that
7 makes funding available under a plan ap-
8 proved under this subparagraph shall make
9 available an equivalent amount of obliga-
10 tion authority to an entity described in
11 clause (i)(I) to whom funds are made
12 available under this subparagraph.

13 “(3) ELIGIBLE PROJECTS.—Funds set aside
14 under this subsection may be obligated for any of
15 the following projects or activities:

16 “(A) Construction, planning, and design of
17 on-road and off-road trail facilities for pedes-
18 trians, bicyclists, and other nonmotorized forms
19 of transportation, including sidewalks, bicycle
20 infrastructure, pedestrian and bicycle signals,
21 traffic calming techniques, lighting and other
22 safety-related infrastructure, and transportation
23 projects to achieve compliance with the Ameri-
24 cans with Disabilities Act of 1990 (42 U.S.C.
25 12101 et seq.).

1 “(B) Construction, planning, and design of
2 infrastructure-related projects and systems that
3 will provide safe routes for nondrivers, includ-
4 ing children, older adults, and individuals with
5 disabilities to access daily needs.

6 “(C) Conversion and use of abandoned
7 railroad corridors for trails for pedestrians,
8 bicyclists, or other nonmotorized transportation
9 users.

10 “(D) Construction of turnouts, overlooks,
11 and viewing areas.

12 “(E) Community improvement activities,
13 including—

14 “(i) inventory, control, or removal of
15 outdoor advertising;

16 “(ii) historic preservation and reha-
17 bilitation of historic transportation facili-
18 ties;

19 “(iii) vegetation management prac-
20 tices in transportation rights-of-way to im-
21 prove roadway safety, prevent against
22 invasive species, facilitate wildfire control,
23 and provide erosion control; and

1 “(iv) archaeological activities relating
2 to impacts from implementation of a trans-
3 portation project eligible under this title.

4 “(F) Any environmental mitigation activ-
5 ity, including pollution prevention and pollution
6 abatement activities and mitigation to address
7 stormwater management, control, and water
8 pollution prevention or abatement related to
9 highway construction or due to highway runoff,
10 including activities described in sections 328(a)
11 and 329.

12 “(G) Projects and strategies to reduce ve-
13 hicle-caused wildlife mortality related to, or to
14 restore and maintain connectivity among terres-
15 trial or aquatic habitats affected by, a transpor-
16 tation facility otherwise eligible for assistance
17 under this subsection.

18 “(H) The recreational trails program
19 under section 206.

20 “(I) The safe routes to school program
21 under section 211.

22 “(J) Activities in furtherance of a vulner-
23 able road user assessment described in section
24 148.

1 “(K) Any other projects or activities de-
2 scribed in section 101(a)(29) or section 213, as
3 such sections were in effect on the day before
4 the date of enactment of the FAST Act (Public
5 Law 114–94).

6 “(4) ACCESS TO FUNDS.—

7 “(A) IN GENERAL.—A State, metropolitan
8 planning organization required to obligate funds
9 in accordance with paragraph (2)(A), or an en-
10 tity required to obligate funds in accordance
11 with paragraph (2)(B) shall develop a competi-
12 tive process to allow eligible entities to submit
13 projects for funding that achieve the objectives
14 of this subsection. A metropolitan planning or-
15 ganization for an area described in subsection
16 (d)(1)(A)(i) shall select projects under such
17 process in consultation with the relevant State.

18 “(B) ELIGIBLE ENTITY DEFINED.—In this
19 paragraph, the term ‘eligible entity’ means—

20 “(i) a local government, including a
21 county or multi-county special district;

22 “(ii) a regional transportation author-
23 ity;

24 “(iii) a transit agency;

1 “(iv) a natural resource or public land
2 agency;

3 “(v) a school district, local education
4 agency, or school;

5 “(vi) a tribal government;

6 “(vii) a metropolitan planning organi-
7 zation that serves an urbanized area with
8 a population of 200,000 or fewer;

9 “(viii) a nonprofit organization car-
10 rying out activities related to transpor-
11 tation;

12 “(ix) any other local or regional gov-
13 ernmental entity with responsibility for or
14 oversight of transportation or recreational
15 trails (other than a metropolitan planning
16 organization that serves an urbanized area
17 with a population of over 200,000 or a
18 State agency) that the State determines to
19 be eligible, consistent with the goals of this
20 subsection; and

21 “(x) a State, at the request of any en-
22 tity listed in clauses (i) through (ix).

23 “(5) CONTINUATION OF CERTAIN REC-
24 REATIONAL TRAILS PROJECTS.—

1 “(A) IN GENERAL.—For each fiscal year, a
2 State shall—

3 “(i) obligate an amount of funds set
4 aside under this subsection equal to 175
5 percent of the amount of the funds appor-
6 tioned to the State for fiscal year 2009
7 under section 104(h)(2), as in effect on the
8 day before the date of enactment of MAP-
9 21, for projects relating to recreational
10 trails under section 206;

11 “(ii) return 1 percent of the funds de-
12 scribed in clause (i) to the Secretary for
13 the administration of such program; and

14 “(iii) comply with the provisions of
15 the administration of the recreational trails
16 program under section 206, including the
17 use of apportioned funds described in sub-
18 section (d)(3)(A) of such section.

19 “(B) STATE FLEXIBILITY.—A State may
20 opt out of the recreational trails program under
21 this paragraph if the Governor of the State no-
22 tifies the Secretary not later than 30 days prior
23 to the date on which an apportionment is made
24 under section 104 for any fiscal year.

1 “(6) IMPROVING ACCESSIBILITY AND EFFI-
2 CIENCY.—

3 “(A) IN GENERAL.—A State may use an
4 amount equal to not more than 5 percent of the
5 funds set aside for the State under this sub-
6 section, after allocating funds in accordance
7 with paragraph (2)(A), to improve the ability of
8 applicants to access funding for projects under
9 this subsection in an efficient and expeditious
10 manner by providing—

11 “(i) to applicants for projects under
12 this subsection application assistance, tech-
13 nical assistance, and assistance in reducing
14 the period of time between the selection of
15 the project and the obligation of funds for
16 the project; and

17 “(ii) funding for 1 or more full-time
18 State employee positions to administer this
19 subsection.

20 “(B) USE OF FUNDS.—Amounts used
21 under subparagraph (A) may be expended—

22 “(i) directly by the State; or

23 “(ii) through contracts with State
24 agencies, private entities, or nonprofit enti-
25 ties.

1 “(7) FEDERAL SHARE.—

2 “(A) FLEXIBLE MATCH.—

3 “(i) IN GENERAL.—Notwithstanding
4 section 120—

5 “(I) the non-Federal share for a
6 project under this subsection may be
7 calculated on a project, multiple-
8 project, or program basis; and

9 “(II) the Federal share of the
10 cost of an individual project in this
11 subsection may be up to 100 percent.

12 “(ii) AGGREGATE NON-FEDERAL
13 SHARE.—The average annual non-Federal
14 share of the total cost of all projects for
15 which funds are obligated under this sub-
16 section in a State for a fiscal year shall be
17 not less than the non-Federal share au-
18 thorized for the State under section
19 120(b).

20 “(iii) REQUIREMENT.—This subpara-
21 graph shall only apply to a State if such
22 State has adequate financial controls, as
23 certified by the Secretary, to account for
24 the average annual non-Federal share
25 under this subparagraph.

1 “(B) SAFETY PROJECTS.—Notwith-
2 standing section 120, funds made available to
3 carry out section 148 may be credited toward
4 the non-Federal share of the costs of a project
5 under this subsection if the project—

6 “(i) is a project described in section
7 148(e)(1); and

8 “(ii) is consistent with the State stra-
9 tegic highway safety plan (as defined in
10 section 148(a)).

11 “(8) FLEXIBILITY.—

12 “(A) STATE AUTHORITY.—

13 “(i) IN GENERAL.—A State may use
14 not more than 50 percent of the funds set
15 aside under this subsection that are avail-
16 able for obligation in any area of the State
17 (suballocated consistent with the require-
18 ments of subsection (d)(1)(B)) for any
19 purpose eligible under subsection (b).

20 “(ii) RESTRICTION.—Funds may be
21 used as described in clause (i) only if the
22 State demonstrates to the Secretary—

23 “(I) that the State held a com-
24 petition in compliance with the re-
25 quirements of this subsection in such

1 form as the Secretary determines ap-
2 propriate;

3 “(II) that the State offered tech-
4 nical assistance to all eligible entities
5 and provided such assistance upon re-
6 quest by an eligible entity; and

7 “(III) that there were not suffi-
8 cient suitable applications from eligi-
9 ble entities to use the funds described
10 in clause (i).

11 “(B) MPO AUTHORITY.—

12 “(i) IN GENERAL.—A metropolitan
13 planning organization that represents an
14 urbanized area with a population of great-
15 er than 200,000 may use not more than
16 50 percent of the funds set aside under
17 this subsection for an urbanized area de-
18 scribed in subsection (d)(1)(A)(i) for any
19 purpose eligible under subsection (b).

20 “(ii) RESTRICTION.—Funds may be
21 used as described in clause (i) only if the
22 Secretary certifies that the metropolitan
23 planning organization—

24 “(I) held a competition in compli-
25 ance with the requirements of this

1 subsection in such form as the Sec-
2 retary determines appropriate; and

3 “(II) demonstrates that there
4 were not sufficient suitable applica-
5 tions from eligible entities to use the
6 funds described in clause (i).

7 “(9) ANNUAL REPORTS.—

8 “(A) IN GENERAL.—Each State or metro-
9 politan planning organization responsible for
10 carrying out the requirements of this subsection
11 shall submit to the Secretary an annual report
12 that describes—

13 “(i) the number of project applica-
14 tions received for each fiscal year, includ-
15 ing—

16 “(I) the aggregate cost of the
17 projects for which applications are re-
18 ceived; and

19 “(II) the types of projects to be
20 carried out, expressed as percentages
21 of the total apportionment of the
22 State under this subsection; and

23 “(ii) the list of each project selected
24 for funding for each fiscal year, including
25 specifying the fiscal year for which the

1 project was selected, the fiscal year in
2 which the project is anticipated to be fund-
3 ed, the recipient, the location, the type,
4 and a brief description.

5 “(B) PUBLIC AVAILABILITY.—The Sec-
6 retary shall make available to the public, in a
7 user-friendly format on the website of the De-
8 partment of Transportation, a copy of each an-
9 nual report submitted under subparagraph
10 (A).”.

11 **SEC. 1207. BRIDGE INVESTMENT.**

12 (a) IN GENERAL.—Section 144 of title 23, United
13 States Code, is amended—

14 (1) in the section heading by striking “**Na-**
15 **tional bridge and tunnel inventory and**
16 **inspection standards**” and inserting
17 “**Bridges and tunnels**”;

18 (2) in subsection (a)(1)(B) by striking “defi-
19 cient”;

20 (3) in subsection (b)(5) by striking “struc-
21 turally deficient bridge” and inserting “bridge classi-
22 fied as in poor condition”;

23 (4) in subsection (d)—

24 (A) in paragraph (2) by striking “Not
25 later than 2 years after the date of enactment

1 of the MAP-21, each” and inserting “Each”;
2 and

3 (B) by striking paragraph (4);

4 (5) in subsection (j)—

5 (A) in paragraph (2) by inserting “, 124,”
6 after “section 119”;

7 (B) in paragraph (3)(A) by inserting “,
8 124,” after “section 119”; and

9 (C) in paragraph (5) by striking “financial
10 characteristics” and all that follows through the
11 end and inserting “Federal share.”; and

12 (6) by adding at the end the following:

13 “(l) HIGHWAY BRIDGE REPLACEMENT AND REHA-
14 BILITATION.—

15 “(1) GOALS.—The goals of this subsection shall
16 be to—

17 “(A) support the achievement of a state of
18 good repair for the Nation’s bridges;

19 “(B) improve the safety, efficiency, and re-
20 liability of the movement of people and freight
21 over bridges; and

22 “(C) improve the condition of bridges in
23 the United States by reducing—

24 “(i) the number of bridges—

25 “(I) in poor condition; or

1 “(II) in fair condition and at risk
2 of falling into poor condition;

3 “(ii) the total person miles traveled
4 over bridges—

5 “(I) in poor condition; or

6 “(II) in fair condition and at risk
7 of falling into poor condition;

8 “(iii) the number of bridges that—

9 “(I) do not meet current geo-
10 metric design standards; or

11 “(II) cannot meet the load and
12 traffic requirements typical of the re-
13 gional transportation network; and

14 “(iv) the total person miles traveled
15 over bridges that—

16 “(I) do not meet current geo-
17 metric design standards; or

18 “(II) cannot meet the load and
19 traffic requirements typical of the re-
20 gional transportation network.

21 “(2) BRIDGES ON PUBLIC ROADS.—

22 “(A) MINIMUM BRIDGE INVESTMENT.—
23 Excluding the amounts described in subpara-
24 graph (C), of the total funds apportioned to a
25 State under paragraphs (1) and (2) of section

1 104(b) for fiscal years 2022 to 2025, a State
2 shall obligate not less than 20 percent for
3 projects described in subparagraph (E).

4 “(B) PROGRAM FLEXIBILITY.—A State re-
5 quired to obligate funds under subparagraph
6 (A) may use any combination of funds appor-
7 tioned to a State under paragraphs (1) and (2)
8 of section 104(b).

9 “(C) LIMITATION.—Amounts described
10 below may not be used for the purposes of cal-
11 culating or meeting the minimum bridge invest-
12 ment requirement under subparagraph (A)—

13 “(i) amounts described in section
14 133(d)(1)(A);

15 “(ii) amounts set aside under section
16 133(h); and

17 “(iii) amounts described in section
18 505(a).

19 “(D) RULE OF CONSTRUCTION.—Nothing
20 in this section shall be construed to prohibit the
21 expenditure of funds described in subparagraph
22 (C) for bridge projects eligible under such sec-
23 tion.

24 “(E) ELIGIBLE PROJECTS.—Funds re-
25 quired to be obligated in accordance with para-

1 graph (2)(A) may be obligated for projects or
2 activities that—

3 “(i) are otherwise eligible under either
4 section 119 or section 133, as applicable;

5 “(ii) support the achievement of per-
6 formance targets of the State established
7 under section 150 or provide support for
8 the condition and performance of bridges
9 on public roads within the State; and

10 “(iii) remove a bridge classified as in
11 poor condition in order to improve commu-
12 nity connectivity, or replace, reconstruct,
13 rehabilitate, preserve, or protect a bridge
14 included on the national bridge inventory
15 authorized by subsection (b), including
16 through—

17 “(I) seismic retrofits;

18 “(II) systematic preventive main-
19 tenance;

20 “(III) installation of scour coun-
21 termeasures;

22 “(IV) the use of innovative mate-
23 rials that extend the service life of the
24 bridge and reduce preservation costs,

1 as compared to conventionally de-
2 signed and constructed bridges;

3 “(V) the use of nontraditional
4 production techniques, including fac-
5 tory prefabrication;

6 “(VI) painting for purposes of
7 bridge protection;

8 “(VII) application of calcium
9 magnesium acetate, sodium acetate/
10 formate, or other environmentally ac-
11 ceptable, minimally corrosive anti-
12 icing and deicing compositions;

13 “(VIII) corrosion control;

14 “(IX) construction of protective
15 features (including natural infrastruc-
16 ture) alone or in combination with
17 other activities eligible under this
18 paragraph to enhance resilience of a
19 bridge;

20 “(X) bridge security counter-
21 measures;

22 “(XI) impact protection meas-
23 ures for bridges;

24 “(XII) inspection and evaluation
25 of bridges; and

1 “(XIII) training for bridge in-
2 spectors consistent with subsection (i).

3 “(F) BUNDLES OF PROJECTS.—A State
4 may use a bundle of projects as described in
5 subsection (j) to satisfy the requirements of
6 subparagraph (A), if each project in the bundle
7 is otherwise eligible under subparagraph (E).

8 “(G) FLEXIBILITY.—The Secretary may,
9 at the request of a State, reduce the required
10 obligation under subparagraph (A) if—

11 “(i) the reduction is consistent with a
12 State’s asset management plan for the Na-
13 tional Highway System;

14 “(ii) the reduction will not limit a
15 State’s ability to meet its performance tar-
16 gets under section 150 or to improve the
17 condition and performance of bridges on
18 public roads within the State; and

19 “(iii) the State demonstrates that it
20 has inadequate needs to justify the expend-
21 iture.

22 “(H) BRIDGE INVESTMENT REPORT.—The
23 Secretary shall annually publish on the website
24 of the Department of Transportation a bridge
25 investment report that includes—

1 “(i) the total Federal funding obli-
2 gated for bridge projects in the most re-
3 cent fiscal year, on a State-by-State basis
4 and broken out by Federal program;

5 “(ii) the total Federal funding obli-
6 gated, on a State-by-State basis and bro-
7 ken out by Federal program, for bridge
8 projects carried out pursuant to the min-
9 imum bridge investment requirements
10 under subparagraph (A);

11 “(iii) the progress made by each State
12 toward meeting the minimum bridge in-
13 vestment requirement under subparagraph
14 (A) for such State, both cumulatively and
15 for the most recent fiscal year;

16 “(iv) a summary of—

17 “(I) each request made under
18 subparagraph (G) by a State for a re-
19 duction in the minimum bridge invest-
20 ment requirement under subpara-
21 graph (A); and

22 “(II) for each request described
23 in subclause (I) that is granted by the
24 Secretary—

1 “(aa) the percentage and
2 dollar amount of the reduction;
3 and

4 “(bb) an explanation of how
5 the State met each of the criteria
6 described in subparagraph (G);
7 and

8 “(v) a summary of—

9 “(I) each request made by a
10 State for a reduction in the obligation
11 requirements under section 133(f);
12 and

13 “(II) for each request that is
14 granted by the Secretary—

15 “(aa) the percentage and
16 dollar amount of the reduction;
17 and

18 “(bb) an explanation of how
19 the Secretary made the deter-
20 mination under section
21 133(f)(2)(B).

22 “(I) OFF-SYSTEM BRIDGES.—A State may
23 apply amounts obligated under this subsection
24 or section 133(f)(2)(A) to the obligation re-

1 requirements of both this subsection and section
2 133(f).

3 “(J) NHS PENALTY.—A State may apply
4 amounts obligated under this subsection or sec-
5 tion 119(f)(2) to the obligation requirements of
6 both this subsection and section 119(f)(2).

7 “(K) COMPLIANCE.—If a State fails to
8 satisfy the requirements of subparagraph (A)
9 by the end of fiscal year 2025, the Secretary
10 may subject the State to appropriate program
11 sanctions under section 1.36 of title 23, Code of
12 Federal Regulations (or successor regula-
13 tions).”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 1 of title 23, United States Code, is amended by strik-
16 ing the item relating to section 144 and inserting the fol-
17 lowing:

 “144. Bridges and tunnels.”.

18 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
19 **TERMINAL FACILITIES.**

20 Section 147 of title 23, United States Code, is
21 amended—

22 (1) by striking subsection (h); and

23 (2) by redesignating subsections (i) and (j) as
24 subsections (h) and (i), respectively.

1 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

2 (a) IN GENERAL.—Section 148 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (4)(B)—

6 (i) by striking “only includes a
7 project” and inserting “includes a
8 project”;

9 (ii) in clause (xiii) by inserting “, in-
10 cluding the development of a vulnerable
11 road user safety assessment or a vision
12 zero plan under section 1601 of the IN-
13 VEST in America Act” after “safety plan-
14 ning”;

15 (iii) by amending clause (xviii) to read
16 as follows:

17 “(xviii) Safe routes to school infra-
18 structure-related projects eligible under
19 section 211.”;

20 (iv) in clause (xxvi) by inserting “or
21 leading pedestrian intervals” after “hybrid
22 beacons”; and

23 (v) by striking clause (xxviii) and in-
24 serting the following:

25 “(xxviii) A pedestrian security feature
26 designed to slow or stop a motor vehicle.

1 “(xxix) Installation of infrastructure
2 improvements, including sidewalks, cross-
3 walks, signage, and bus stop shelters or
4 protected waiting areas.”;

5 (B) in paragraph (11)—

6 (i) in subparagraph (A)—

7 (I) in clause (ix) by striking
8 “and” at the end;

9 (II) by redesignating clause (x)
10 as clause (xi); and

11 (III) by inserting after clause (ix)
12 the following:

13 “(x) State or local representatives of
14 educational agencies to address safe routes
15 to school and schoolbus safety; and”;

16 (ii) in subparagraph (E) by inserting
17 “Tribal,” after “State,”;

18 (iii) by redesignating subparagraphs
19 (G), (H), and (I) as subparagraphs (H),
20 (I), and (J), respectively; and

21 (iv) by inserting after subparagraph
22 (F) the following:

23 “(G) includes a vulnerable road user safety
24 assessment described under paragraph (16);”;

1 (C) by redesignating paragraphs (10),
2 (11), and (12) as paragraphs (12), (13), and
3 (14), respectively;

4 (D) by inserting after paragraph (9) the
5 following:

6 “(10) SAFE SYSTEM APPROACH.—The term
7 ‘safe system approach’ means a roadway design that
8 emphasizes minimizing the risk of injury or fatality
9 to road users and that—

10 “(A) takes into consideration the possi-
11 bility and likelihood of human error;

12 “(B) accommodates human injury toler-
13 ance by taking into consideration likely crash
14 types, resulting impact forces, and the human
15 body’s ability to withstand such forces; and

16 “(C) takes into consideration vulnerable
17 road users.

18 “(11) SPECIFIED SAFETY PROJECT.—

19 “(A) IN GENERAL.—The term ‘specified
20 safety project’ means a project carried out for
21 the purpose of safety under any other section of
22 this title that is consistent with the State stra-
23 tegic highway safety plan.

24 “(B) INCLUSION.—The term ‘specified
25 safety project’ includes a project that—

1 “(i) promotes public awareness and
2 informs the public regarding highway safe-
3 ty matters (including safety for motorcy-
4 clists, bicyclists, pedestrians, individuals
5 with disabilities, and other road users);

6 “(ii) facilitates enforcement of traffic
7 safety laws;

8 “(iii) provides infrastructure and in-
9 frastructure-related equipment to support
10 emergency services;

11 “(iv) conducts safety-related research
12 to evaluate experimental safety counter-
13 measures or equipment; or

14 “(v) supports safe routes to school
15 noninfrastructure-related activities de-
16 scribed under section 211(e)(2).”; and

17 (E) by adding at the end the following:

18 “(15) VULNERABLE ROAD USER.—The term
19 ‘vulnerable road user’ means a nonmotorist—

20 “(A) with a fatality analysis reporting sys-
21 tem person attribute code that is included in
22 the definition of the term ‘number of non-mo-
23 torized fatalities’ in section 490.205 of title 23,
24 Code of Federal Regulations (or successor regu-
25 lation); or

1 “(B) described in the term ‘number of
2 non-motorized serious injuries’ in such section.

3 “(16) VULNERABLE ROAD USER SAFETY AS-
4 SESSMENT.—The term ‘vulnerable road user safety
5 assessment’ means an assessment of the safety per-
6 formance of the State or a metropolitan planning or-
7 ganization within the State with respect to vulner-
8 able road users and the plan of the State or metro-
9 politan planning organization to improve the safety
10 of vulnerable road users described in subsection
11 (1).”;

12 (2) in subsection (c)—

13 (A) in paragraph (1) by striking “(a)(11)”
14 and inserting “(a)(13)”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (A)(vi) by insert-
17 ing “, consistent with the vulnerable road
18 user safety assessment” after “non-
19 motorized crashes”;

20 (ii) in subparagraph (B)(i)—

21 (I) by inserting “, consistent with
22 a safe system approach,” after “iden-
23 tify”;

1 (II) by inserting “excessive de-
2 sign speeds and speed limits,” after
3 “crossing needs,”; and

4 (III) by striking “motorists (in-
5 cluding motorcycleists), bicyclists, pe-
6 destrians, and other highway users”
7 and inserting “road users”; and

8 (iii) in subparagraph (D)(iii) by strik-
9 ing “motorists (including motorcycleists),
10 bicyclists, pedestrians, persons with disabili-
11 ties, and other highway users” and insert-
12 ing “road users”;

13 (3) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A) by striking
16 “Not later than 1 year after the date of
17 enactment of the MAP-21, the” and in-
18 serting “The”; and

19 (ii) in subparagraph (B)—

20 (I) in clause (iv) by inserting
21 “and serious injury” after “fatality”;

22 (II) in clause (vii) by striking “;
23 and” and inserting a semicolon;

24 (III) by redesignating clause
25 (viii) as clause (ix); and

1 (IV) by inserting after clause
2 (vii) the following:

3 “(viii) the findings of a vulnerable
4 road user safety assessment of the State;
5 and”; and

6 (B) in paragraph (2)(B)(i) by striking
7 “subsection (a)(11)” and inserting “subsection
8 (a)(13)”;
9 (4) in subsection (e)—

10 (A) in paragraph (1)(C) by striking “,
11 without regard to whether the project is in-
12 cluded in an applicable State strategic highway
13 safety plan”; and

14 (B) by adding at the end the following:

15 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-
16 TY PROJECTS.—

17 “(A) IN GENERAL.—To advance the imple-
18 mentation of a State strategic highway safety
19 plan, a State may use not more than 10 percent
20 of the amounts apportioned to the State under
21 section 104(b)(3) for a fiscal year to carry out
22 specified safety projects.

23 “(B) RULE OF STATUTORY CONSTRUC-
24 TION.—Nothing in this paragraph shall be con-
25 strued to require a State to revise any State

1 process, plan, or program in effect on the date
2 of enactment of this paragraph.

3 “(C) EFFECT OF PARAGRAPH.—

4 “(i) REQUIREMENTS.—A project
5 funded under this paragraph shall be sub-
6 ject to all requirements under this section
7 that apply to a highway safety improve-
8 ment project.

9 “(ii) OTHER APPORTIONED PRO-
10 GRAMS.—Subparagraph (A) shall not apply
11 to amounts that may be obligated for non-
12 infrastructure projects apportioned under
13 any other paragraph of section 104(b).”;

14 (5) in subsection (g)—

15 (A) by amending paragraph (1) to read as
16 follows:

17 “(1) HIGH-RISK RURAL ROAD SAFETY.—

18 “(A) IN GENERAL.—If a State determines
19 that the fatality rate on rural roads in such
20 State for the most recent 2-year period for
21 which data are available exceeds the median fa-
22 tality rate for rural roads among all States,
23 that State shall be required to—

24 “(i) obligate over the 2 fiscal years
25 following the fiscal year in which such de-

1 termination is made for projects on high-
2 risk rural roads an amount not less than
3 7.5 percent of the amounts apportioned to
4 the State under section 104(b)(3) for fiscal
5 year 2020; and

6 “(ii) include, in the subsequent update
7 to the State strategic highway safety plan,
8 strategies to reduce the fatality rate.

9 “(B) SOURCE OF FUNDS.—Any amounts
10 obligated under subparagraph (A) shall be from
11 amounts described under section 133(d)(1)(B).

12 “(C) ANNUAL DETERMINATION.—The de-
13 termination described under subparagraph (A)
14 shall be made on an annual basis.

15 “(D) CONSULTATION.—In carrying out a
16 project with an amount obligated under sub-
17 paragraph (A), a State shall consult with, as
18 applicable, local governments, metropolitan
19 planning organizations, and regional transpor-
20 tation planning organizations.”;

21 (B) in paragraph (2)—

22 (i) in the heading by striking “DRIV-
23 ERS” and inserting “ROAD USERS”; and

24 (ii) by striking “address the increases
25 in” and inserting “reduce”; and

1 (C) by adding at the end the following:

2 “(3) VULNERABLE ROAD USER SAFETY.—

3 “(A) IN GENERAL.—Beginning on the date
4 of enactment of the INVEST in America Act,
5 if a State determines that the number of vul-
6 nerable road user fatalities and serious injuries
7 per capita in such State over the most recent
8 2-year period for which data are available ex-
9 ceeds the median number of such fatalities and
10 serious injuries per capita among all States,
11 that State shall be required to obligate over the
12 2 fiscal years following the fiscal year in which
13 such determination is made an amount that is
14 not less than 50 percent of the amount set
15 aside in such State under section 133(h)(1) for
16 fiscal year 2020, less any amounts obligated by
17 a metropolitan planning organization in the
18 State as required by subparagraph (D), for—

19 “(i) in the first fiscal year—

20 “(I) performing the vulnerable
21 user safety assessment as prescribed
22 by subsection (l);

23 “(II) providing matching funds
24 for transportation alternatives safety

1 project as identified in section
2 133(h)(7)(B); and

3 “(III) projects eligible under sec-
4 tion 133(h)(3)(A), (B), (C), or (I);
5 and

6 “(ii) in each fiscal year thereafter, the
7 program of projects identified in subsection
8 (1)(2)(C).

9 “(B) SOURCE OF FUNDS.—Any amounts
10 obligated under subparagraph (A) shall be from
11 amounts described in section 133(d)(1)(B).

12 “(C) ANNUAL DETERMINATION.—The de-
13 termination described under subparagraph (A)
14 shall be made on an annual basis.

15 “(D) METROPOLITAN PLANNING AREA
16 WITH EXCESSIVE FATALITIES AND SERIOUS IN-
17 JURIES PER CAPITA.—

18 “(i) ANNUAL DETERMINATION.—Be-
19 ginning on the date of enactment of the
20 INVEST in America Act, a metropolitan
21 planning organization representing an ur-
22 banized area with a population greater
23 than 200,000 shall annually determine the
24 number of vulnerable user road fatalities

1 and serious injuries per capita in such area
2 over the most recent 2-year period.

3 “(ii) REQUIREMENT TO OBLIGATE
4 FUNDS.—If such a metropolitan planning
5 area organization determines that the
6 number of vulnerable user road fatalities
7 and serious injuries per capita in such area
8 over the most recent 2-year period for
9 which data are available exceeds the me-
10 dian number of such fatalities and serious
11 injuries among all urbanized areas with a
12 population of over 200,000, then there
13 shall be obligated over the 2 fiscal years
14 following the fiscal year in which such de-
15 termination is made an amount that is not
16 less than 50 percent of the amount set
17 aside for that urbanized area under section
18 133(h)(2) for fiscal year 2020 for projects
19 identified in the program of projects de-
20 scribed in subsection (l)(7)(C).

21 “(E) SOURCE OF FUNDS.—

22 “(i) METROPOLITAN PLANNING ORGA-
23 NIZATION IN STATE REQUIRED TO OBLI-
24 GATE FUNDS.—For a metropolitan plan-
25 ning organization in a State required to

1 obligate funds to vulnerable user safety
2 under subparagraph (A), the State shall be
3 required to obligate from such amounts re-
4 quired to be obligated for vulnerable road
5 user safety under subparagraph (B) for
6 projects described in subsection (l)(7).

7 “(ii) OTHER METROPOLITAN PLAN-
8 NING ORGANIZATIONS.—For a metropoli-
9 tan planning organization that is not lo-
10 cated within a State required to obligate
11 funds to vulnerable user safety under sub-
12 paragraph (A), the State shall be required
13 to obligate from amounts apportioned
14 under section 104(b)(3) for projects de-
15 scribed in subsection (l)(7).”;

16 (6) in subsection (h)(1)(A) by inserting “, in-
17 cluding any efforts to reduce vehicle speed” after
18 “under this section”; and

19 (7) by adding at the end the following:

20 “(l) VULNERABLE ROAD USER SAFETY ASSESS-
21 MENT.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 date of enactment of the INVEST in America Act,
24 each State shall create a vulnerable road user safety
25 assessment.

1 “(2) CONTENTS.—A vulnerable road user safety
2 assessment required under paragraph (1) shall in-
3 clude—

4 “(A) a description of the location within
5 the State of each vulnerable road user fatality
6 and serious injury and the design speed of the
7 roadway at any such location;

8 “(B) a description of any corridors identi-
9 fied by a State, in coordination with local gov-
10 ernments, metropolitan planning organizations,
11 and regional transportation planning organiza-
12 tions that pose a high risk of a vulnerable road
13 user fatality or serious injury and the design
14 speeds of such corridors; and

15 “(C) a program of projects or strategies to
16 reduce safety risks to vulnerable road users in
17 corridors identified under subparagraph (B), in
18 coordination with local governments, metropoli-
19 tan planning organizations, and regional trans-
20 portation planning organizations that represent
21 a high-risk area identified under subparagraph
22 (B).

23 “(3) ANALYSIS.—In creating a vulnerable road
24 user safety assessment under this subsection, a
25 State shall assess the last 5 years of available data.

1 “(4) REQUIREMENTS.—In creating a vulnerable
2 road user safety assessment under this subsection, a
3 State shall—

4 “(A) take into consideration a safe system
5 approach; and

6 “(B) coordinate with local governments,
7 metropolitan planning organizations, and re-
8 gional transportation planning organizations
9 that represent a high-risk area identified under
10 paragraph (2)(B).

11 “(5) UPDATE.—A State shall update a vulner-
12 able road user safety assessment on the same sched-
13 ule as the State updates the State strategic highway
14 safety plan.

15 “(6) TRANSPORTATION SYSTEM ACCESS.—The
16 program of projects developed under paragraph
17 (2)(C) may not degrade transportation system ac-
18 cess for vulnerable road users.

19 “(7) METROPOLITAN PLANNING AREA ASSESS-
20 MENTS.—A metropolitan planning organization that
21 represents an urbanized area with a population
22 greater than 200,000 shall complete a vulnerable
23 user safety assessment based on the most recent 5
24 years of available data, unless an assessment was
25 completed in the previous five years, including

1 “(A) a description of the location within
2 the urbanized area of each vulnerable road user
3 fatality and serious injury and the design speed
4 of the roadway at any such location;

5 “(B) a description of any corridors that
6 represent a high-risk area identified under
7 paragraph (2)(B) that pose a high risk of a vul-
8 nerable road user fatality or serious injury and
9 the design speeds of such corridors; and

10 “(C) a program of projects or strategies to
11 reduce safety risks to vulnerable road users in
12 corridors identified under subparagraph (B).”.

13 (b) TECHNICAL AMENDMENT.—Section 148 of title
14 23, United States Code, is amended—

15 (1) in the heading for subsection (a)(8) by
16 striking “ROAD USERS” and inserting “ROAD
17 USER”; and

18 (2) in subsection (i)(2)(D) by striking “safety
19 safety” and inserting “safety”.

20 (c) HIGH-RISK RURAL ROADS.—

21 (1) STUDY.—Not later than 2 years after the
22 date of enactment of this Act, the Secretary of
23 Transportation shall update the study described in
24 paragraph (1) of section 1112(b) of MAP-21 (23
25 U.S.C. 148 note).

1 (2) PUBLICATION OF REPORT.—Not later than
2 2 years after the date of enactment of this Act, the
3 Secretary shall publish on the website of the Depart-
4 ment of Transportation an updated report of the re-
5 port described in paragraph (2) of section 1112(b)
6 of MAP–21 (23 U.S.C. 148 note).

7 (3) BEST PRACTICES MANUAL.—Not later than
8 180 days after the date of submission of the report
9 described in paragraph (2), the Secretary shall up-
10 date the best practices manual described in section
11 1112(b)(3) of MAP–21 (23 U.S.C. 148 note).

12 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
13 **PROVEMENT PROGRAM.**

14 Section 149 of title 23, United States Code, is
15 amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1)(A)(ii) by striking
18 “subsection (h)” and inserting “subsection (i)”;

19 (B) in paragraph (7) by inserting “shared
20 micromobility (including bikesharing and shared
21 scooter systems),” after “carsharing,”;

22 (C) in paragraph (8)(B) by striking “; or”
23 and inserting a semicolon;

24 (D) in paragraph (9) by striking the period
25 and inserting “; or”; and

1 (E) by adding at the end the following:

2 “(10) if the project or program mitigates sea-
3 sonal or temporary traffic congestion from long-haul
4 travel or tourism.”;

5 (2) in subsection (c)—

6 (A) in paragraph (2)—

7 (i) in the heading by inserting “, HY-
8 DROGEN VEHICLE,” after “ELECTRIC VE-
9 HICLE”;

10 (ii) by inserting “hydrogen or” after
11 “charging stations or”; and

12 (iii) by inserting “, hydrogen-pow-
13 ered,” after “battery powered”; and

14 (B) in paragraph (3) by inserting “, and is
15 consistent with section 166” after “travel
16 times”; and

17 (3) by striking subsection (m) and inserting the
18 following:

19 “(m) OPERATING ASSISTANCE.—

20 “(1) PROJECTS.—A State may obligate funds
21 apportioned under section 104(b)(4) in an area of
22 such State that is otherwise eligible for obligations
23 of such funds for operating costs under chapter 53
24 of title 49 or on a system for which CMAQ funding
25 was made available, obligated, or expended in fiscal

1 year 2012, or, notwithstanding subsection (b), on a
2 State-supported Amtrak route with a cost-sharing
3 agreement under section 209 of the Passenger Rail
4 Investment and Improvement Act of 2008 or alter-
5 native cost allocation under section 24712(g)(3) of
6 title 49.

7 “(2) TIME LIMITATION.—In determining the
8 amount of time for which a State may obligate funds
9 under paragraph (1) for operating assistance for an
10 area of a State or on a system, the Secretary shall
11 allow such obligations to occur, in such area or on
12 such system—

13 “(A) with a time limitation of not less than
14 3 years; and

15 “(B) in the case of projects that dem-
16 onstrate continued net air quality benefits be-
17 yond 3 years, as determined annually by the
18 Secretary in consultation with the Adminis-
19 trator of the Environmental Protection Agency,
20 with no imposed time limitation.”.

21 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

22 (a) ELECTRIC VEHICLE CHARGING STATIONS.—
23 Chapter 1 of title 23, United States Code, is amended by
24 inserting after section 154 the following new section:

1 **“§ 155. Electric vehicle charging stations**

2 “(a) IN GENERAL.—Any electric vehicle charging in-
3 frastructure funded under this title shall be subject to the
4 requirements of this section.

5 “(b) INTEROPERABILITY.—

6 “(1) IN GENERAL.—Electric vehicle charging
7 stations funded under this title shall provide, at a
8 minimum, two of the following charging connector
9 types at the location:

10 “(A) CCS.

11 “(B) CHAdeMO.

12 “(C) An alternative connector that meets
13 applicable industry safety standards

14 “(2) SAVINGS CLAUSE.—Nothing in this sub-
15 section shall prevent the use of charging types other
16 than the connectors described in paragraph (1) if, at
17 a minimum, such connectors meet applicable indus-
18 try safety standards and are compatible with a ma-
19 jority of electric vehicles in operation.

20 “(c) OPEN ACCESS TO PAYMENT.—Electric vehicle
21 charging stations shall provide payment methods available
22 to all members of the public to ensure secure, convenient,
23 and equal access and shall not be limited by membership
24 to a particular payment provider.

25 “(d) TREATMENT OF PROJECTS.—Notwithstanding
26 any other provision of law, any project to install electric

1 vehicle charging infrastructure shall be treated as if the
2 project is located on a Federal-aid highway.

3 “(e) CERTIFICATION.—The Secretary of Commerce
4 shall certify that no electric vehicle charging stations in-
5 stalled under this section use minerals sourced or proc-
6 essed with child labor, as such term is defined in Article
7 3 of the International Labor Organization Convention con-
8 cerning the prohibition and immediate action for the elimi-
9 nation of the worst forms of child labor (December 2,
10 2000), or in violation of human rights.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 1 of title 23, United States Code, is amended by insert-
13 ing after the item relating to section 154 the following
14 new item:

“155. Electric vehicle charging stations.”.

15 (c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The
16 Secretary of Transportation shall update the Manual on
17 Uniform Traffic Control Devices to—

18 (1) ensure uniformity in providing road users
19 direction to electric charging stations that are open
20 to the public; and

21 (2) allow the use of Specific Service signs for
22 electric vehicle charging station providers.

23 (d) AGREEMENTS RELATING TO THE USE AND AC-
24 CESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYS-

1 TEM.—Section 111 of title 23, United States Code, is
2 amended by adding at the end the following:

3 “(f) INTERSTATE SYSTEM RIGHTS-OF WAY.—

4 “(1) IN GENERAL.—Notwithstanding sub-
5 sections (a) or (b), the Secretary shall permit, con-
6 sistent with section 155, the charging of electric ve-
7 hicles on rights-of-way of the Interstate System in—

8 “(A) a rest area; or

9 “(B) a fringe or corridor parking facility,
10 including a park and ride facility.

11 “(2) SAVINGS CLAUSE.—Nothing in this sub-
12 section shall permit commercial activities on rights-
13 of-way of the Interstate System, except as necessary
14 for the charging of electric vehicles in accordance
15 with this subsection.”.

16 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

17 Section 167 of title 23, United States Code, is
18 amended—

19 (1) in subsection (b)—

20 (A) in paragraph (6) by striking “; and”
21 and inserting a semicolon; and

22 (B) by striking paragraph (7) and insert-
23 ing the following:

1 “(7) to reduce the environmental impacts of
2 freight movement on the National Highway Freight
3 Network, including—

4 “(A) greenhouse gas emissions;

5 “(B) local air pollution;

6 “(C) minimizing, capturing, or treating
7 stormwater runoff and addressing other adverse
8 impacts to water quality; and

9 “(D) wildlife habitat loss; and

10 “(8) to decrease any adverse impact of freight
11 transportation on communities located near freight
12 facilities or freight corridors.”;

13 (2) in subsection (e) by adding at the end the
14 following:

15 “(3) ADDITIONAL MILEAGE.—Notwithstanding
16 paragraph (2), a State that has designated at least
17 90 percent of its maximum mileage described in
18 paragraph (2) may designate up to an additional
19 150 miles of critical rural freight corridors.”;

20 (3) in subsection (f) by adding at the end the
21 following:

22 “(5) ADDITIONAL MILEAGE.—Notwithstanding
23 paragraph (4), a State that has designated at least
24 90 percent of its maximum mileage described in
25 paragraph (4) may designate up to an additional 75

1 miles of critical urban freight corridors under para-
2 graphs (1) and (2).”;

3 (4) in subsection (h) by striking “Not later
4 than” and all that follows through “shall prepare”
5 and inserting “As part of the report required under
6 section 503(b)(8), the Administrator shall biennially
7 prepare”;

8 (5) in subsection (i)—

9 (A) by striking paragraphs (2) and (3);

10 (B) by amending paragraph (4) to read as
11 follows:

12 “(4) FREIGHT PLANNING.—Notwithstanding
13 any other provision of law, a State may not obligate
14 funds apportioned to the State under section
15 104(b)(5) unless the State has developed, updated,
16 or amended, as applicable, a freight plan in accord-
17 ance with section 70202 of title 49.”;

18 (C) in paragraph (5)—

19 (i) by striking subparagraph (B) and
20 inserting the following:

21 “(B) LIMITATION.—The Federal share of
22 a project described in subparagraph (C)(xxiii)
23 shall fund only elements of such project that
24 provide public benefits.”; and

25 (ii) in subparagraph (C)—

1 (I) in clause (iii) by inserting
2 “and freight management and oper-
3 ations systems” after “freight trans-
4 portation systems”; and

5 (II) by amending clause (xxiii) to
6 read as follows:

7 “(xxiii) Freight intermodal or freight
8 rail projects, including—

9 “(I) projects within the bound-
10 aries of public or private freight rail
11 or water facilities (including ports);

12 “(II) projects that provide sur-
13 face transportation infrastructure nec-
14 essary to facilitate direct intermodal
15 interchange, transfer, and access into
16 or out of the facility; and

17 “(III) any other surface trans-
18 portation project to improve the flow
19 of freight into or out of a facility de-
20 scribed in subclause (I) or (II).”;

21 (D) in paragraph (6) by striking “para-
22 graph (5)” and inserting “paragraph (3)”; and

23 (E) by redesignating paragraphs (4), (5),
24 (6), and (7) as paragraphs (2), (3), (4), and
25 (5), respectively; and

1 (6) in subsection (k)(1)(A)(ii) by striking
2 “ports-of entry” and inserting “ports-of-entry”.

3 **SEC. 1213. CARBON POLLUTION REDUCTION.**

4 (a) IN GENERAL.—Chapter 1 of title 23, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 171. Carbon pollution reduction**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish a carbon pollution reduction program to support the
10 reduction of greenhouse gas emissions from the surface
11 transportation system.

12 “(b) ELIGIBLE PROJECTS.—A project is eligible for
13 funding under this section if such project—

14 “(1) is expected to yield a significant reduction
15 in greenhouse gas emissions from the surface trans-
16 portation system;

17 “(2) will help a State meet the greenhouse gas
18 emissions performance targets established under sec-
19 tion 150(c)(7); and

20 “(3) is—

21 “(A) eligible for assistance under this title
22 or under chapter 53 of title 49; or

23 “(B) a capital project, as such term is de-
24 fined in section 22906 of title 49, to improve
25 intercity rail passenger transportation, provided

1 that the project will yield a significant reduction
2 in single occupant vehicle trips and improve
3 mobility on public roads.

4 “(c) GUIDANCE.—The Secretary shall issue guidance
5 on methods of determining the reduction of single occu-
6 pant vehicle trips and improvement of mobility on public
7 roads as those factors relate to intercity rail passenger
8 transportation projects under subsection (b)(4).

9 “(d) OPERATING EXPENSES.—A State may use not
10 more than 10 percent of the funds provided under section
11 104(b)(9) for the operating expenses of public transpor-
12 tation and passenger rail transportation projects.

13 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
14 CILITIES.—None of the funds provided under this section
15 may be used for a project that will result in the construc-
16 tion of new capacity available to single occupant vehicles
17 unless the project consists of a high occupancy vehicle fa-
18 cility and is consistent with section 166.

19 “(f) EVALUATION.—

20 “(1) IN GENERAL.—The Secretary shall annu-
21 ally evaluate the progress of each State in carrying
22 out the program under this section by comparing the
23 percent change in carbon dioxide emissions per cap-
24 ita on public roads in the State calculated as—

1 “(A) the annual carbon dioxide emissions
2 per capita on public roads in the State for the
3 most recent year for which there is data; di-
4 vided by

5 “(B) the average annual carbon dioxide
6 emissions per capita on public roads in the
7 State in calendar years 2015 through 2019.

8 “(2) MEASURES.—In conducting the evaluation
9 under paragraph (1), the Secretary shall—

10 “(A) prior to the effective date of the
11 greenhouse gas performance measures under
12 section 150(c)(7), use such data as are avail-
13 able, which may include data on motor fuels
14 usage published by the Federal Highway Ad-
15 ministration and information on emissions fac-
16 tors or coefficients published by the Energy In-
17 formation Administration of the Department of
18 Energy; and

19 “(B) following the effective date of the
20 greenhouse gas performance measures under
21 section 150(c)(7), use such measures.

22 “(g) PROGRESS REPORT.—The Secretary shall annu-
23 ally issue a carbon pollution reduction progress report, to
24 be made publicly available on the website of the Depart-
25 ment of Transportation, that includes—

1 “(1) the results of the evaluation under sub-
2 section (f) for each State; and

3 “(2) a ranking of all the States by the criteria
4 under subsection (f), with the States that, for the
5 year covered by such report, have the largest per-
6 centage reduction in annual carbon dioxide emissions
7 per capita on public roads being ranked the highest.

8 “(h) HIGH-PERFORMING STATES.—

9 “(1) DESIGNATION.—For purposes of this sec-
10 tion, each State that is 1 of the 15 highest ranked
11 States, as determined under subsection (g)(2), and
12 that achieves a reduction in carbon dioxide emissions
13 per capita on public roads, as determined by the
14 evaluation in subsection (f), shall be designated as a
15 high-performing State for the following fiscal year.

16 “(2) USE OF FUNDS.—For each State that is
17 designated as a high-performing State under para-
18 graph (1)—

19 “(A) notwithstanding section 120, the
20 State may use funds made available under this
21 title to pay the non-Federal share of a project
22 under this section during any year for which
23 such State is designated as a high-performing
24 State; and

1 “(B) notwithstanding section 126, the
2 State may transfer up to 50 percent of funds
3 apportioned under section 104(b)(9) to the pro-
4 gram under section 104(b)(2) in any year for
5 which such State is designated as a high-per-
6 forming State.

7 “(3) TRANSFER.—For each State that is 1 of
8 the 15 lowest ranked States, as determined under
9 subsection (g)(2), the Secretary shall transfer 10
10 percent of the amount apportioned to the State
11 under section 104(b)(2) in the fiscal year following
12 the year in which the State is so ranked, not includ-
13 ing amounts set aside under section 133(d)(1)(A)
14 and under section 133(h) or 505(a), to the appor-
15 tionment of the State under section 104(b)(9).

16 “(4) LIMITATION.—The Secretary shall not
17 conduct a transfer under paragraph (3)—

18 “(A) until the first fiscal year following the
19 effective date of greenhouse gas performance
20 measures under section 150(c)(7); and

21 “(B) with respect to a State in any fiscal
22 year following the year in which such State
23 achieves a reduction in carbon dioxide emissions
24 per capita on public roads in such year as de-
25 termined by the evaluation under subsection (f).

1 “(i) REPORT.—Not later than 2 years after the date
2 of enactment of this section and periodically thereafter,
3 the Secretary, in consultation with the Administrator of
4 the Environmental Protection Agency, shall issue a re-
5 port—

6 “(1) detailing, based on the best available
7 science, what types of projects eligible for assistance
8 under this section are expected to provide the most
9 significant greenhouse gas emissions reductions from
10 the surface transportation sector; and

11 “(2) detailing, based on the best available
12 science, what types of projects eligible for assistance
13 under this section are not expected to provide sig-
14 nificant greenhouse gas emissions reductions from
15 the surface transportation sector.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 1 of title 23, United States Code, is amended by add-
18 ing at the end the following new item:

“171. Carbon pollution reduction.”.

19 (c) APPLICABILITY.—Subsection (b)(2) of section
20 171 of title 23, United States Code, as added by this sec-
21 tion, shall apply to a State beginning on the first fiscal
22 year following the fiscal year in which the State sets green-
23 house gas performance targets under section 150(d) of
24 title 23, United States Code.

1 **SEC. 1214. RECREATIONAL TRAILS.**

2 Section 206 of title 23, United States Code, is
3 amended by adding at the end the following:

4 “(j) USE OF OTHER APPORTIONED FUNDS.—Funds
5 apportioned to a State under section 104(b) that are obli-
6 gated for recreational trails and related projects shall be
7 administered as if such funds were made available for pur-
8 poses described under this section.”.

9 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

10 (a) IN GENERAL.—Chapter 2 of title 23, United
11 States Code, is amended by inserting after section 210 the
12 following:

13 **“§ 211. Safe routes to school program**

14 “(a) PROGRAM.—The Secretary shall carry out a safe
15 routes to school program for the benefit of children in pri-
16 mary, middle, and high schools.

17 “(b) PURPOSES.—The purposes of the program shall
18 be—

19 “(1) to enable and encourage children, includ-
20 ing those with disabilities, to walk and bicycle to
21 school;

22 “(2) to make bicycling and walking to school a
23 safer and more appealing transportation alternative,
24 thereby encouraging a healthy and active lifestyle
25 from an early age; and

1 “(3) to facilitate the planning, development,
2 and implementation of projects and activities that
3 will improve safety and reduce traffic, fuel consump-
4 tion, and air pollution in the vicinity of schools.

5 “(c) USE OF FUNDS.—Amounts apportioned to a
6 State under paragraphs (2) and (3) of section 104(b) may
7 be used to carry out projects, programs, and other activi-
8 ties under this section.

9 “(d) ELIGIBLE ENTITIES.—Projects, programs, and
10 activities funded under this section may be carried out by
11 eligible entities described under section 133(h)(4)(B) that
12 demonstrate an ability to meet the requirements of this
13 section.

14 “(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

15 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

16 “(A) IN GENERAL.—A State may obligate
17 funds under this section for the planning, de-
18 sign, and construction of infrastructure-related
19 projects that will substantially improve the abil-
20 ity of students to walk and bicycle to school, in-
21 cluding sidewalk improvements, traffic calming
22 and speed reduction improvements, pedestrian
23 and bicycle crossing improvements, on-street bi-
24 cycle facilities, off-street bicycle and pedestrian
25 facilities, secure bicycle parking facilities, and

1 traffic diversion improvements in the vicinity of
2 schools.

3 “(B) LOCATION OF PROJECTS.—Infra-
4 structure-related projects under subparagraph
5 (A) may be carried out on any public road or
6 any bicycle or pedestrian pathway or trail in the
7 vicinity of schools.

8 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
9 TIES.—In addition to projects described in para-
10 graph (1), a State may obligate funds under this
11 section for noninfrastructure-related activities to en-
12 courage walking and bicycling to school, including—

13 “(A) public awareness campaigns and out-
14 reach to press and community leaders;

15 “(B) traffic education and enforcement in
16 the vicinity of schools;

17 “(C) student sessions on bicycle and pedes-
18 trian safety, health, and environment;

19 “(D) programs that address personal safe-
20 ty; and

21 “(E) funding for training, volunteers, and
22 managers of safe routes to school programs.

23 “(3) SAFE ROUTES TO SCHOOL COORDI-
24 NATOR.—Each State receiving an apportionment
25 under paragraphs (2) and (3) of section 104(b) shall

1 use a sufficient amount of the apportionment to
2 fund a full-time position of coordinator of the
3 State's safe routes to school program.

4 “(4) RURAL SCHOOL DISTRICT OUTREACH.—A
5 coordinator described in paragraph (3) shall conduct
6 outreach to ensure that rural school districts in the
7 State are aware of such State's safe routes to school
8 program and the funds authorized by this section.

9 “(f) FEDERAL SHARE.—The Federal share of the
10 cost of a project, program, or activity under this section
11 shall be 100 percent.

12 “(g) CLEARINGHOUSE.—

13 “(1) IN GENERAL.—The Secretary shall main-
14 tain a national safe routes to school clearinghouse
15 to—

16 “(A) develop information and educational
17 programs on safe routes to school; and

18 “(B) provide technical assistance and dis-
19 seminate techniques and strategies used for
20 successful safe routes to school programs.

21 “(2) FUNDING.—The Secretary shall carry out
22 this subsection using amounts authorized to be ap-
23 propriated for administrative expenses under section
24 104(a).

1 “(h) TREATMENT OF PROJECTS.—Notwithstanding
2 any other provision of law, projects carried out under this
3 section shall be treated as projects on a Federal-aid high-
4 way under chapter 1 of this title.

5 “(i) DEFINITIONS.—In this section, the following
6 definitions apply:

7 “(1) IN THE VICINITY OF SCHOOLS.—The term
8 ‘in the vicinity of schools’ means, with respect to a
9 school, the area within bicycling and walking dis-
10 tance of the school (approximately 2 miles).

11 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—
12 The term ‘primary, middle, and high schools’ means
13 schools providing education from kindergarten
14 through twelfth grade.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) REPEAL.—Section 1404 of SAFETEA-LU
17 (Public Law 109–59; 119 Stat. 1228–1230), and
18 the item relating to such section in the table of con-
19 tents in section 1(b) of such Act, are repealed.

20 (2) ANALYSIS.—The analysis for chapter 2 of
21 title 23, United States Code, is amended by insert-
22 ing after the item relating to section 210 the fol-
23 lowing:

“211. Safe routes to school program.”.

1 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
2 **WALKWAYS.**

3 Section 217 of title 23, United States Code, is
4 amended—

5 (1) in subsection (d)—

6 (A) by striking “104(b)(3)” and inserting
7 “104(b)(4)”; and

8 (B) by striking “a position” and inserting
9 “at least one full-time positions”;

10 (2) in subsection (e) by striking “bicycles” and
11 inserting “pedestrians or bicyclists” each place such
12 term appears; and

13 (3) in subsection (j) by striking paragraph (2)
14 and inserting the following:

15 “(2) **ELECTRIC BICYCLE.**—The term ‘electric
16 bicycle’ means mean a bicycle equipped with fully
17 operable pedals, a saddle or seat for the rider, and
18 an electric motor of less than 750 watts that can
19 safely share a bicycle transportation facility with
20 other users of such facility and meets the require-
21 ments of one of the following three classes:

22 “(A) **CLASS 1 ELECTRIC BICYCLE.**—The
23 term ‘class 1 electric bicycle’ means an electric
24 bicycle equipped with a motor that provides as-
25 sistance only when the rider is pedaling, and

1 that ceases to provide assistance when the bicy-
2 cle reaches the speed of 20 miles per hour.

3 “(B) CLASS 2 ELECTRIC BICYCLE.—The
4 term ‘class 2 electric bicycle’ means an electric
5 bicycle equipped with a motor that may be used
6 exclusively to propel the bicycle, and that is not
7 capable of providing assistance when the bicycle
8 reaches the speed of 20 miles per hour.

9 “(C) CLASS 3 ELECTRIC BICYCLE.—The
10 term ‘class 3 electric bicycle’ means an electric
11 bicycle equipped with a motor that provides as-
12 sistance only when the rider is pedaling, and
13 that ceases to provide assistance when the bicy-
14 cle reaches the speed of 28 miles per hour.”.

15 **Subtitle C—Project-Level** 16 **Investments**

17 **SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-**
18 **NIFICANCE.**

19 (a) IN GENERAL.—Section 117 of title 23, United
20 States Code, is amended to read as follows:

21 **“§ 117. Projects of national and regional significance**

22 “(a) ESTABLISHMENT.—The Secretary shall estab-
23 lish a projects of national and regional significance pro-
24 gram under which the Secretary may make grants to, and

1 establish multiyear grant agreements with, eligible entities
2 in accordance with this section.

3 “(b) APPLICATIONS.—To be eligible for a grant
4 under this section, an eligible entity shall submit to the
5 Secretary an application in such form, in such manner,
6 and containing such information as the Secretary may re-
7 quire.

8 “(c) GRANT AMOUNTS AND PROJECT COSTS.—

9 “(1) IN GENERAL.—Each grant made under
10 this section—

11 “(A) shall be in an amount that is at least
12 \$25,000,000; and

13 “(B) shall be for a project that has eligible
14 project costs that are reasonably anticipated to
15 equal or exceed the lesser of—

16 “(i) \$100,000,000; or

17 “(ii) in the case of a project—

18 “(I) located in 1 State or terri-
19 tory, 30 percent of the amount appor-
20 tioned under this chapter to the State
21 or territory in the most recently com-
22 pleted fiscal year; or

23 “(II) located in more than 1
24 State or territory, 50 percent of the
25 amount apportioned under this chap-

1 ter to the participating State or terri-
2 tory with the largest apportionment
3 under this chapter in the most re-
4 cently completed fiscal year.

5 “(2) LARGE PROJECTS.—For a project that has
6 eligible project costs that are reasonably anticipated
7 to equal or exceed \$500,000,000, a grant made
8 under this section—

9 “(A) shall be in an amount sufficient to
10 fully fund the project, or in the case of a public
11 transportation project, a minimum operable
12 segment, in combination with other funding
13 sources, including non-Federal financial com-
14 mitment, identified in the application; and

15 “(B) may be awarded pursuant to the
16 process under subsection (d), as necessary
17 based on the amount of the grant.

18 “(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE
19 PROJECTS.—

20 “(1) IN GENERAL.—A large project that re-
21 ceives a grant under this section may be carried out
22 through a multiyear grant agreement in accordance
23 with this subsection.

24 “(2) REQUIREMENTS.—A multiyear grant
25 agreement for a large project shall—

1 “(A) establish the terms of participation by
2 the Federal Government in the project;

3 “(B) establish the amount of Federal fi-
4 nancial assistance for the project;

5 “(C) establish a schedule of anticipated
6 Federal obligations for the project that provides
7 for obligation of the full grant amount by not
8 later than 4 fiscal years after the fiscal year in
9 which the initial amount is provided; and

10 “(D) determine the period of time for com-
11 pleting the project, even if such period extends
12 beyond the period of an authorization.

13 “(3) SPECIAL RULES.—

14 “(A) IN GENERAL.—A multiyear grant
15 agreement under this subsection—

16 “(i) shall obligate an amount of avail-
17 able budget authority specified in law; and

18 “(ii) may include a commitment, con-
19 tingent on amounts to be specified in law
20 in advance for commitments under this
21 paragraph, to obligate an additional
22 amount from future available budget au-
23 thority specified in law.

24 “(B) CONTINGENT COMMITMENT.—A con-
25 tingent commitment under this subsection is

1 not an obligation of the Federal Government
2 under section 1501 of title 31.

3 “(C) INTEREST AND OTHER FINANCING
4 COSTS.—

5 “(i) IN GENERAL.—Interest and other
6 financing costs of carrying out a part of
7 the project within a reasonable time shall
8 be considered a cost of carrying out the
9 project under a multiyear grant agreement,
10 except that eligible costs may not be more
11 than the cost of the most favorable financ-
12 ing terms reasonably available for the
13 project at the time of borrowing.

14 “(ii) CERTIFICATION.—The applicant
15 shall certify to the Secretary that the ap-
16 plicant has shown reasonable diligence in
17 seeking the most favorable financing
18 terms.

19 “(4) ADVANCE PAYMENT.—An eligible entity
20 carrying out a large project under a multiyear grant
21 agreement—

22 “(A) may use funds made available to the
23 eligible entity under this title or title 49 for eli-
24 gible project costs of the large project; and

1 “(B) shall be reimbursed, at the option of
2 the eligible entity, for such expenditures from
3 the amount made available under the multiyear
4 grant agreement for the project in that fiscal
5 year or a subsequent fiscal year.

6 “(e) ELIGIBLE PROJECTS.—

7 “(1) IN GENERAL.—The Secretary may make a
8 grant under this section only for a project that is a
9 project eligible for assistance under this title or
10 chapter 53 of title 49 and is—

11 “(A) a bridge project carried out on the
12 National Highway System, or that is eligible to
13 be carried out under section 165;

14 “(B) a project to improve person through-
15 put that is—

16 “(i) a highway project carried out on
17 the National Highway System, or that is
18 eligible to be carried out under section
19 165;

20 “(ii) a public transportation project;
21 or

22 “(iii) a capital project, as such term is
23 defined in section 22906 of title 49, to im-
24 prove intercity rail passenger transpor-
25 tation; or

1 “(C) a project to improve freight through-
2 put that is—

3 “(i) a highway freight project carried
4 out on the National Highway Freight Net-
5 work established under section 167 or on
6 the National Highway System;

7 “(ii) a freight intermodal, freight rail,
8 or railway-highway grade crossing or grade
9 separation project; or

10 “(iii) within the boundaries of a public
11 or private freight rail, water (including
12 ports), or intermodal facility and that is a
13 surface transportation infrastructure
14 project necessary to facilitate direct inter-
15 modal interchange, transfer, or access into
16 or out of the facility.

17 “(2) LIMITATION.—

18 “(A) CERTAIN FREIGHT PROJECTS.—
19 Projects described in clauses (ii) and (iii) of
20 paragraph (1)(C) may receive a grant under
21 this section only if—

22 “(i) the project will make a significant
23 improvement to the movement of freight
24 on the National Highway System; and

1 “(ii) the Federal share of the project
2 funds only elements of the project that
3 provide public benefits.

4 “(B) CERTAIN PROJECTS FOR PERSON
5 THROUGHPUT.—Projects described in clauses
6 (ii) and (iii) of paragraph (1)(B) may receive a
7 grant under this section only if the project will
8 make a significant improvement in mobility on
9 public roads.

10 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity
11 receiving a grant under this section may use such grant
12 for—

13 “(1) development phase activities, including
14 planning, feasibility analysis, revenue forecasting,
15 environmental review, preliminary engineering and
16 design work, and other preconstruction activities;
17 and

18 “(2) construction, reconstruction, rehabilitation,
19 acquisition of real property (including land related
20 to the project and improvements to the land), envi-
21 ronmental mitigation, construction contingencies, ac-
22 quisition of equipment, and operational improve-
23 ments directly related to improving system perform-
24 ance.

1 “(g) PROJECT REQUIREMENTS.—The Secretary may
2 select a project described under this section for funding
3 under this section only if the Secretary determines that
4 the project—

5 “(1) generates significant regional or national
6 economic, mobility, safety, resilience, or environ-
7 mental benefits;

8 “(2) is cost effective;

9 “(3) is based on the results of preliminary engi-
10 neering;

11 “(4) has secured or will secure acceptable levels
12 of non-Federal financial commitments, including—

13 “(A) 1 or more stable and dependable
14 sources of funding and financing to construct,
15 maintain, and operate the project; and

16 “(B) contingency amounts to cover unan-
17 ticipated cost increases;

18 “(5) cannot be easily and efficiently completed
19 without additional Federal funding or financial as-
20 sistance available to the project sponsor, beyond ex-
21 isting Federal apportionments; and

22 “(6) is reasonably expected to begin construc-
23 tion not later than 18 months after the date of obli-
24 gation of funds for the project.

25 “(h) MERIT CRITERIA AND CONSIDERATIONS.—

1 “(1) MERIT CRITERIA.—In awarding a grant
2 under this section, the Secretary shall evaluate the
3 following merit criteria:

4 “(A) The extent to which the project sup-
5 ports achieving a state of good repair.

6 “(B) The level of benefits the project is ex-
7 pected to generate, including—

8 “(i) the costs avoided by the preven-
9 tion of closure or reduced use of the asset
10 to be improved by the project;

11 “(ii) reductions in maintenance costs
12 over the life of the asset;

13 “(iii) safety benefits, including the re-
14 duction of accidents and related costs;

15 “(iv) improved person or freight
16 throughput, including congestion reduction
17 and reliability improvements;

18 “(v) national and regional economic
19 benefits;

20 “(vi) resilience benefits;

21 “(vii) environmental benefits, includ-
22 ing reduction in greenhouse gas emissions
23 and air quality benefits; and

24 “(viii) benefits to all users of the
25 project, including pedestrian, bicycle, non-

1 vehicular, railroad, and public transpor-
2 tation users.

3 “(C) How the benefits compare to the
4 costs of the project.

5 “(D) The average number of people or vol-
6 ume of freight, as applicable, supported by the
7 project, including visitors based on travel and
8 tourism.

9 “(2) ADDITIONAL CONSIDERATIONS.—In
10 awarding a grant under this section, the Secretary
11 shall also consider the following:

12 “(A) Whether the project serves low-in-
13 come residents of low-income communities, in-
14 cluding areas of persistent poverty, while not
15 displacing such residents.

16 “(B) Whether the project uses innovative
17 technologies, innovative design and construction
18 techniques, or pavement materials that dem-
19 onstrate reductions in greenhouse gas emissions
20 through sequestration or innovative manufac-
21 turing processes and, if so, the degree to which
22 such technologies, techniques, or materials are
23 used.

1 “(C) Whether the project improves
2 connectivity between modes of transportation
3 moving people or goods in the Nation or region.

4 “(D) Whether the project provides new or
5 improved connections between at least 2 metro-
6 politan areas with a population of at least
7 500,000.

8 “(i) PROJECT SELECTION.—

9 “(1) EVALUATION.—To evaluate applications
10 for funding under this section, the Secretary shall—

11 “(A) determine whether a project is eligible
12 for a grant under this section;

13 “(B) evaluate, through a methodology that
14 is discernible and transparent to the public,
15 how each application addresses the merit cri-
16 teria pursuant to subsection (h);

17 “(C) assign a quality rating for each merit
18 criteria for each application based on the eval-
19 uation in subparagraph (B);

20 “(D) ensure that applications receive final
21 consideration by the Secretary to receive an
22 award under this section only on the basis of
23 such quality ratings and that the Secretary
24 gives final consideration only to applications

1 that meet the minimally acceptable level for
2 each of the merit criteria; and

3 “(E) award grants only to projects rated
4 highly under the evaluation and rating process.

5 “(2) CONSIDERATIONS FOR LARGE
6 PROJECTS.—In awarding a grant for a large project,
7 the Secretary shall—

8 “(A) consider the amount of funds avail-
9 able in future fiscal years for the program
10 under this section; and

11 “(B) assume the availability of funds in fu-
12 ture fiscal years for the program that extend
13 beyond the period of authorization based on the
14 amount made available for the program in the
15 last fiscal year of the period of authorization.

16 “(3) GEOGRAPHIC DISTRIBUTION.—In awarding
17 grants under this section, the Secretary shall ensure
18 geographic diversity and a balance between rural
19 and urban communities among grant recipients over
20 fiscal years 2022 through 2025.

21 “(4) PUBLICATION OF METHODOLOGY.—

22 “(A) IN GENERAL.—Prior to the issuance
23 of any notice of funding opportunity for grants
24 under this section, the Secretary shall publish

1 and make publicly available on the Depart-
2 ment's website—

3 “(i) a detailed explanation of the
4 merit criteria developed under subsection
5 (h);

6 “(ii) a description of the evaluation
7 process under this subsection; and

8 “(iii) how the Secretary shall deter-
9 mine whether a project satisfies each of
10 the requirements under subsection (g).

11 “(B) UPDATES.—The Secretary shall up-
12 date and make publicly available on the website
13 of the Department of Transportation such in-
14 formation at any time a revision to the informa-
15 tion described in subparagraph (A) is made.

16 “(C) INFORMATION REQUIRED.—The Sec-
17 retary shall include in the published notice of
18 funding opportunity for a grant under this sec-
19 tion detailed information on the rating method-
20 ology and merit criteria to be used to evaluate
21 applications, or a reference to the information
22 on the website of the Department of Transpor-
23 tation, as required by subparagraph (A).

24 “(j) FEDERAL SHARE.—

1 “(1) IN GENERAL.—The Federal share of the
2 cost of a project carried out with a grant under this
3 section may not exceed 60 percent.

4 “(2) MAXIMUM FEDERAL INVOLVEMENT.—Fed-
5 eral assistance other than a grant under this section
6 may be used to satisfy the non-Federal share of the
7 cost of a project for which such a grant is made, ex-
8 cept that the total Federal assistance provided for a
9 project receiving a grant under this section may not
10 exceed 80 percent of the total project cost.

11 “(k) TREATMENT OF PROJECTS.—

12 “(1) FEDERAL REQUIREMENTS.—The Secretary
13 shall, with respect to a project funded by a grant
14 under this section, apply—

15 “(A) the requirements of this title to a
16 highway project;

17 “(B) the requirements of chapter 53 of
18 title 49 to a public transportation project; and

19 “(C) the requirements of section 22905 of
20 title 49 to a passenger rail or freight rail
21 project.

22 “(2) MULTIMODAL PROJECTS.—

23 “(A) IN GENERAL.—Except as otherwise
24 provided in this paragraph, if an eligible project
25 is a multimodal project, the Secretary shall—

1 “(i) determine the predominant modal
2 component of the project; and

3 “(ii) apply the applicable requirements
4 of such predominant modal component to
5 the project.

6 “(B) EXCEPTIONS.—

7 “(i) PASSENGER OR FREIGHT RAIL
8 COMPONENT.—For any passenger or
9 freight rail component of a project, the re-
10 quirements of section 22907(j)(2) of title
11 49 shall apply.

12 “(ii) PUBLIC TRANSPORTATION COM-
13 PONENT.—For any public transportation
14 component of a project, the requirements
15 of section 5333 of title 49 shall apply.

16 “(C) BUY AMERICA.—In applying the Buy
17 American requirements under section 313 of
18 this title and sections 5320, 22905(a), and
19 24305(f) of title 49 to a multimodal project
20 under this paragraph, the Secretary shall—

21 “(i) consider the various modal com-
22 ponents of the project; and

23 “(ii) seek to maximize domestic jobs.

24 “(3) FEDERAL-AID HIGHWAY REQUIRE-
25 MENTS.—Notwithstanding any other provision of

1 this subsection, the Secretary shall require recipients
2 of grants under this section to comply with sub-
3 section (a) of section 113 with respect to public
4 transportation projects, passenger rail projects, and
5 freight rail projects, in the same manner that recipi-
6 ents of grants are required to comply with such sub-
7 section for construction work performed on highway
8 projects on Federal-aid highways.

9 “(l) TIFIA PROGRAM.—At the request of an eligible
10 entity under this section, the Secretary may use amounts
11 awarded to the entity to pay subsidy and administrative
12 costs necessary to provide the entity Federal credit assist-
13 ance under chapter 6 with respect to the project for which
14 the grant was awarded.

15 “(m) ADMINISTRATION.—Of the amounts made
16 available to carry out this section, the Secretary may use
17 up to \$5,000,000 for the costs of administering the pro-
18 gram under this section.

19 “(n) TECHNICAL ASSISTANCE.—Of the amounts
20 made available to carry out this section, the Secretary may
21 reserve up to \$5,000,000 to provide technical assistance
22 to eligible entities.

23 “(o) CONGRESSIONAL REVIEW.—

24 “(1) NOTIFICATION.—Not less than 60 days be-
25 fore making an award under this section, the Sec-

1 retary shall submit to the Committee on Transpor-
2 tation and Infrastructure of the House of Represent-
3 atives and the Committee on Environment and Pub-
4 lic Works, the Committee on Banking, Housing, and
5 Urban Affairs, and the Committee on Commerce,
6 Science, and Transportation of the Senate—

7 “(A) a list of all applications determined to
8 be eligible for a grant by the Secretary;

9 “(B) the quality ratings assigned to each
10 application pursuant to subsection (i);

11 “(C) a list of applications that received
12 final consideration by the Secretary to receive
13 an award under this section;

14 “(D) each application proposed to be se-
15 lected for a grant award;

16 “(E) proposed grant amounts, including
17 for each new multiyear grant agreement, the
18 proposed payout schedule for the project; and

19 “(F) an analysis of the impacts of any
20 large projects proposed to be selected on exist-
21 ing commitments and anticipated funding levels
22 for the next 4 fiscal years, based on information
23 available to the Secretary at the time of the re-
24 port.

1 “(2) COMMITTEE REVIEW.—Before the last day
2 of the 60-day period described in paragraph (1),
3 each Committee described in paragraph (1) shall re-
4 view the Secretary’s list of proposed projects.

5 “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-
6 retary may not make a grant or any other obligation
7 or commitment to fund a project under this section
8 if a joint resolution is enacted disapproving funding
9 for the project before the last day of the 60-day pe-
10 riod described in paragraph (1).

11 “(p) TRANSPARENCY.—

12 “(1) IN GENERAL.—Not later than 30 days
13 after awarding a grant for a project under this sec-
14 tion, the Secretary shall send to all applicants, and
15 publish on the website of the Department of Trans-
16 portation—

17 “(A) a summary of each application made
18 to the program for the grant application period;
19 and

20 “(B) the evaluation and justification for
21 the project selection, including ratings assigned
22 to all applications and a list of applications that
23 received final consideration by the Secretary to
24 receive an award under this section, for the
25 grant application period.

1 “(2) BRIEFING.—The Secretary shall provide,
2 at the request of a grant applicant under this sec-
3 tion, the opportunity to receive a briefing to explain
4 any reasons the grant applicant was not awarded a
5 grant.

6 “(q) DEFINITIONS.—In this section:

7 “(1) AREAS OF PERSISTENT POVERTY.—The
8 term ‘areas of persistent poverty’ has the meaning
9 given such term in section 172(l).

10 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a State or a group of States;

13 “(B) a unit of local government, including
14 a metropolitan planning organization, or a
15 group of local governments;

16 “(C) a political subdivision of a State or
17 local government;

18 “(D) a special purpose district or public
19 authority with a transportation function, includ-
20 ing a port authority;

21 “(E) a Tribal government or a consortium
22 of Tribal governments;

23 “(F) a Federal agency eligible to receive
24 funds under section 201, 203, or 204 that ap-
25 plies jointly with a State or group of States;

1 “(G) a territory; and

2 “(H) a multistate or multijurisdictional
3 group of entities described in this paragraph.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 1 of title 23, United States Code, is amended by strik-
6 ing the item relating to section 117 and inserting the fol-
7 lowing:

“117. Projects of national and regional significance.”.

8 **SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT**
9 **GRANT PROGRAM.**

10 (a) IN GENERAL.—Chapter 1 of title 23, United
11 States Code, as amended by this title, is further amended
12 by adding at the end the following:

13 **“§ 173. Community transportation investment grant**
14 **program**

15 “(a) ESTABLISHMENT.—The Secretary shall estab-
16 lish a community transportation investment grant pro-
17 gram to improve surface transportation safety, state of
18 good repair, accessibility, and environmental quality
19 through infrastructure investments.

20 “(b) GRANT AUTHORITY.—

21 “(1) IN GENERAL.—In carrying out the pro-
22 gram established under subsection (a), the Secretary
23 shall make grants, on a competitive basis, to eligible
24 entities in accordance with this section.

1 “(2) GRANT AMOUNT.—The maximum amount
2 of a grant under this section shall be \$25,000,000.

3 “(c) APPLICATIONS.—To be eligible for a grant under
4 this section, an eligible entity shall submit to the Secretary
5 an application in such form, at such time, and containing
6 such information as the Secretary may require.

7 “(d) ELIGIBLE PROJECT COSTS.—Grant amounts for
8 an eligible project carried out under this section may be
9 used for—

10 “(1) development phase activities, including
11 planning, feasibility analysis, revenue forecasting,
12 environmental review, preliminary engineering and
13 design work, and other preconstruction activities;
14 and

15 “(2) construction, reconstruction, rehabilitation,
16 acquisition of real property (including land related
17 to the project and improvements to such land), envi-
18 ronmental mitigation, construction contingencies, ac-
19 quisition of equipment, and operational improve-
20 ments.

21 “(e) RURAL AND COMMUNITY SETASIDES.—

22 “(1) IN GENERAL.—The Secretary shall re-
23 serve—

1 “(A) not less than 25 percent of the
2 amounts made available to carry out this sec-
3 tion for projects located in rural areas; and

4 “(B) not less than 25 percent of the
5 amounts made available to carry out this sec-
6 tion for projects located in urbanized areas with
7 a population greater than 49,999 individuals
8 and fewer than 200,001 individuals.

9 “(2) DEFINITION OF RURAL AREA.—In this
10 subsection, the term ‘rural area’ means all areas of
11 a State or territory not included in urbanized areas.

12 “(3) EXCESS FUNDING.—If the Secretary de-
13 termines that there are insufficient qualified appli-
14 cants to use the funds set aside under this sub-
15 section, the Secretary may use such funds for grants
16 for any projects eligible under this section.

17 “(f) EVALUATION.—To evaluate applications under
18 this section, the Secretary shall—

19 “(1) develop a process to objectively evaluate
20 applications on the benefits of the project proposed
21 in such application—

22 “(A) to transportation safety, including re-
23 ductions in traffic fatalities and serious injuries;

24 “(B) to state of good repair, including im-
25 proved condition of bridges and pavements;

1 “(C) to transportation system access, in-
2 cluding improved access to jobs and services;
3 and

4 “(D) in reducing greenhouse gas emis-
5 sions;

6 “(2) develop a rating system to assign a nu-
7 meric value to each application, based on each of the
8 criteria described in paragraph (1);

9 “(3) for each application submitted, compare
10 the total benefits of the proposed project, as deter-
11 mined by the rating system developed under para-
12 graph (2), with the costs of such project, and rank
13 each application based on the results of the compari-
14 son; and

15 “(4) ensure that only such applications that are
16 ranked highly based on the results of the comparison
17 conducted under paragraph (3) are considered to re-
18 ceive a grant under this section.

19 “(g) WEIGHTING.—In establishing the evaluation
20 process under subsection (f), the Secretary may assign dif-
21 ferent weights to the criteria described in subsection (f)(1)
22 based on project type, population served by a project, and
23 other context-sensitive considerations, provided that—

24 “(1) each application is rated on all criteria de-
25 scribed in subsection (f)(1); and

1 “(2) each application has the same possible
2 minimum and maximum rating, regardless of any
3 differences in the weighting of criteria.

4 “(h) TRANSPARENCY.—

5 “(1) PUBLICLY AVAILABLE INFORMATION.—

6 Prior to the issuance of any notice of funding oppor-
7 tunity under this section, the Secretary shall make
8 publicly available on the website of the Department
9 of Transportation a detailed explanation of the eval-
10 uation and rating process developed under sub-
11 section (f), including any differences in the
12 weighting of criteria pursuant to subsection (g), if
13 applicable, and update such website for each revision
14 of the evaluation and rating process.

15 “(2) NOTIFICATIONS TO CONGRESS.—The Sec-
16 retary shall submit to the Committee on Transpor-
17 tation and Infrastructure of the House of Represent-
18 atives, the Committee on Environment and Public
19 Works of the Senate, the Committee on Banking,
20 Housing, and Urban Affairs of the Senate, and the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate the following written notifica-
23 tions:

1 “(A) A notification when the Secretary
2 publishes or updates the information required
3 under paragraph (1).

4 “(B) Not later than 30 days prior to the
5 date on which the Secretary awards a grant
6 under this section, a notification that in-
7 cludes—

8 “(i) the ratings of each application
9 submitted pursuant to subsection (f)(2);

10 “(ii) the ranking of each application
11 submitted pursuant to subsection (f)(3);
12 and

13 “(iii) a list of all applications that re-
14 ceive final consideration by the Secretary
15 to receive an award under this section pur-
16 suant to subsection (f)(4).

17 “(C) Not later than 3 business days prior
18 to the date on which the Secretary announces
19 the award of a grant under this section, a noti-
20 fication describing each grant to be awarded,
21 including the amount and the recipient.

22 “(i) TECHNICAL ASSISTANCE.—Of the amounts
23 made available to carry out this section, the Secretary may
24 reserve up to \$3,000,000 to provide technical assistance
25 to eligible entities.

1 “(j) ADMINISTRATION.—Of the amounts made avail-
2 able to carry out this section, the Secretary may reserve
3 up to \$5,000,000 for the administrative costs of carrying
4 out the program under this section.

5 “(k) TREATMENT OF PROJECTS.—

6 “(1) FEDERAL REQUIREMENTS.—The Secretary
7 shall, with respect to a project funded by a grant
8 under this section, apply—

9 “(A) the requirements of this title to a
10 highway project;

11 “(B) the requirements of chapter 53 of
12 title 49 to a public transportation project; and

13 “(C) the requirements of section 22905 of
14 title 49 to a passenger rail or freight rail
15 project.

16 “(2) MULTIMODAL PROJECTS.—

17 “(A) IN GENERAL.—Except as otherwise
18 provided in this paragraph, if an eligible project
19 is a multimodal project, the Secretary shall—

20 “(i) determine the predominant modal
21 component of the project; and

22 “(ii) apply the applicable requirements
23 of such predominant modal component to
24 the project.

25 “(B) EXCEPTIONS.—

1 “(i) PASSENGER OR FREIGHT RAIL
2 COMPONENT.—For any passenger or
3 freight rail component of a project, the re-
4 quirements of section 22907(j)(2) of title
5 49 shall apply.

6 “(ii) PUBLIC TRANSPORTATION COM-
7 PONENT.—For any public transportation
8 component of a project, the requirements
9 of section 5333 of title 49 shall apply.

10 “(C) BUY AMERICA.—In applying the Buy
11 American requirements under section 313 of
12 this title and sections 5320, 22905(a), and
13 24305(f) of title 49 to a multimodal project
14 under this paragraph, the Secretary shall—

15 “(i) consider the various modal com-
16 ponents of the project; and

17 “(ii) seek to maximize domestic jobs.

18 “(3) FEDERAL-AID HIGHWAY REQUIRE-
19 MENTS.—Notwithstanding any other provision of
20 this subsection, the Secretary shall require recipients
21 of grants under this section to comply with sub-
22 section (a) of section 113 with respect to public
23 transportation projects, passenger rail projects, and
24 freight rail projects, in the same manner that recipi-
25 ents of grants are required to comply with such sub-

1 section for construction work performed on highway
2 projects on Federal-aid highways.

3 “(l) TRANSPARENCY.—

4 “(1) IN GENERAL.—Not later than 30 days
5 after awarding a grant for a project under this sec-
6 tion, the Secretary shall send to all applicants, and
7 publish on the website of the Department of Trans-
8 portation—

9 “(A) a summary of each application made
10 to the program for the grant application period;
11 and

12 “(B) the evaluation and justification for
13 the project selection, including ratings and
14 rankings assigned to all applications and a list
15 of applications that received final consideration
16 by the Secretary to receive an award under this
17 section, for the grant application period.

18 “(2) BRIEFING.—The Secretary shall provide,
19 at the request of a grant applicant under this sec-
20 tion, the opportunity to receive a briefing to explain
21 any reasons the grant applicant was not awarded a
22 grant.

23 “(m) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means—

1 “(A) a metropolitan planning organization;

2 “(B) a unit of local government;

3 “(C) a transit agency;

4 “(D) a Tribal Government or a consortium
5 of Tribal governments;

6 “(E) a multijurisdictional group of entities
7 described in this paragraph;

8 “(F) a special purpose district with a
9 transportation function or a port authority;

10 “(G) a territory; or

11 “(H) a State that applies for a grant
12 under this section jointly with an entity de-
13 scribed in subparagraphs (A) through (G).

14 “(2) ELIGIBLE PROJECT.—The term ‘eligible
15 project’ means any project eligible under this title or
16 chapter 53 of title 49.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 1 of title 23, United States Code, is further amended
19 by adding at the end the following new item:

“173. Community transportation investment grant program.”.

20 **SEC. 1303. GRANTS FOR CHARGING AND FUELING INFRA-**
21 **STRUCTURE TO MODERNIZE AND RECON-**
22 **NECT AMERICA FOR THE 21ST CENTURY.**

23 (a) PURPOSE.—The purpose of this section is to es-
24 tablish a grant program to strategically deploy electric ve-
25 hicle charging infrastructure, natural gas fueling, propane

1 fueling, and hydrogen fueling infrastructure along des-
2 ignated alternative fuel corridors that will be accessible to
3 all drivers of electric vehicles, natural gas vehicles, pro-
4 pane vehicles, and hydrogen vehicles.

5 (b) GRANT PROGRAM.—Section 151 of title 23,
6 United States Code, is amended—

7 (1) in subsection (a) by striking “Not later
8 than 1 year after the date of enactment of the
9 FAST Act, the Secretary shall” and inserting “The
10 Secretary shall periodically”;

11 (2) in subsection (b)(2) by inserting “previously
12 designated by the Federal Highway Administration
13 or” after “fueling corridors”;

14 (3) in subsection (d)—

15 (A) by striking “5 years after the date of
16 establishment of the corridors under subsection
17 (a), and every 5 years thereafter” and inserting
18 “180 days after the date of enactment of the
19 INVEST in America Act”; and

20 (B) by inserting “establish a recurring
21 process to regularly” after “the Secretary
22 shall”;

23 (4) in subsection (e)—

24 (A) in paragraph (1) by striking “; and”
25 and inserting a semicolon;

1 (B) in paragraph (2)—

2 (i) by striking “establishes an aspira-
3 tional goal of achieving” and inserting “de-
4 scribes efforts to achieve”; and

5 (ii) by striking “by the end of fiscal
6 year 2020.” and inserting a semicolon; and

7 (C) by adding at the end the following:

8 “(3) summarizes best practices and provides
9 guidance, developed through consultation with the
10 Secretary of Energy, for project development of elec-
11 tric vehicle charging infrastructure, hydrogen fueling
12 infrastructure, and natural gas fueling infrastruc-
13 ture at the State, tribal, and local level to allow for
14 the predictable deployment of such infrastructure;
15 and

16 “(4) summarizes the progress and implementa-
17 tion of the grant program under subsection (f), in-
18 cluding—

19 “(A) a description of how funds awarded
20 through the grant program under subsection (f)
21 will aid efforts to achieve strategic deployment
22 of electric vehicle charging infrastructure, nat-
23 ural gas fueling, propane fueling, and hydrogen
24 fueling infrastructure in those corridors;

1 “(B) the total number and location of
2 charging and fueling stations installed under
3 subsection (f); and

4 “(C) the total estimated greenhouse gas
5 emissions that have been reduced through the
6 use of electric vehicle charging, natural gas
7 fueling, propane fueling, or hydrogen fueling in-
8 frastructure funded under subsection (f) using
9 the methodology identified in paragraph
10 (3)(B).”; and

11 (5) by adding at the end the following:

12 “(f) ELECTRIC VEHICLE CHARGING, NATURAL GAS
13 FUELING, PROPANE FUELING, AND HYDROGEN FUELING
14 INFRASTRUCTURE GRANTS.—

15 “(1) ESTABLISHMENT.—Not later than 1 year
16 after the date of enactment of the INVEST in
17 America Act, the Secretary shall establish a grant
18 program to award grants to eligible entities for elec-
19 tric vehicle charging, natural gas fueling, propane
20 fueling, and hydrogen fueling infrastructure projects.

21 “(2) ELIGIBLE ENTITY.—An entity eligible to
22 receive a grant under this subsection is—

23 “(A) a State (as such term is defined in
24 section 401) or political subdivision of a State;

25 “(B) a metropolitan planning organization;

1 “(C) a unit of local government;

2 “(D) a special purpose district or public
3 authority with a transportation function, includ-
4 ing a port authority;

5 “(E) a Tribal government;

6 “(F) an authority, agency, or instrumen-
7 tality of, or an entity owned by, 1 or more of
8 the entities described in subparagraphs (A)
9 through (E); or

10 “(G) a group of entities described in sub-
11 paragraphs (A) through (F).

12 “(3) APPLICATION.—To be eligible to receive a
13 grant under this subsection, an eligible entity shall
14 submit to the Secretary an application at such time,
15 in such manner, and containing such information as
16 the Secretary shall require, including—

17 “(A) a description of—

18 “(i) the public accessibility of the
19 charging or fueling infrastructure proposed
20 to be funded with a grant under this sub-
21 section, including—

22 “(I) charging or fueling con-
23 nector types;

24 “(II) publicly available informa-
25 tion on real-time availability; and

1 “(III) payment methods available
2 to all members of the public to ensure
3 secure, convenient, fair, and equal ac-
4 cess and not limited by membership to
5 a particular provider;

6 “(ii) collaborative engagement with
7 the entity with jurisdiction over the road-
8 way and any other relevant stakeholders
9 (including automobile manufacturers, utili-
10 ties, infrastructure providers, technology
11 providers, electric charging, natural gas,
12 propane, and hydrogen fuel providers, met-
13 ropolitan planning organizations, States,
14 Indian Tribes, units of local government,
15 fleet owners, fleet managers, fuel station
16 owners and operators, labor organizations,
17 infrastructure construction and component
18 parts suppliers, and multistate and re-
19 gional entities)—

20 “(I) to foster enhanced, coordi-
21 nated, public-private or private invest-
22 ment in electric vehicle charging, nat-
23 ural gas fueling, propane fueling, and
24 hydrogen fueling infrastructure;

1 “(II) to expand deployment of
2 electric vehicle charging, natural gas
3 fueling, propane fueling, or hydrogen
4 fueling infrastructure;

5 “(III) to protect personal privacy
6 and ensure cybersecurity; and

7 “(IV) to ensure that a properly
8 trained workforce is available to con-
9 struct and install electric vehicle
10 charging, natural gas fueling, propane
11 fueling, or hydrogen fueling infra-
12 structure;

13 “(iii) the location of the station or
14 fueling site, including consideration of—

15 “(I) the availability of onsite
16 amenities for vehicle operators, includ-
17 ing restrooms or food facilities;

18 “(II) access in compliance with
19 the Americans with Disabilities Act of
20 1990 (42 U.S.C. 12101 et seq.);

21 “(III) height and fueling capacity
22 requirements for facilities that charge
23 or refuel large vehicles, including
24 semitrailer trucks; and

1 “(IV) appropriate distribution to
2 avoid redundancy and fill charging or
3 fueling gaps;

4 “(iv) infrastructure installation that
5 can be responsive to technology advance-
6 ments, including accommodating auto-
7 nomous vehicles and future charging meth-
8 ods;

9 “(v) the long-term operation and
10 maintenance of the electric vehicle charg-
11 ing or hydrogen fueling infrastructure to
12 avoid stranded assets and protect the in-
13 vestment of public funds in such infra-
14 structure; and

15 “(vi) in the case of an applicant that
16 is not a State department of transpor-
17 tation, the degree of coordination with the
18 applicable State department of transpor-
19 tation; and

20 “(B) an assessment of the estimated
21 greenhouse gas emissions and air pollution from
22 vehicle emissions that will be reduced through
23 the use of electric vehicle charging, natural gas
24 fueling, propane fueling, or hydrogen fueling in-
25 frastructure, which shall be conducted using

1 one standardized methodology or tool as deter-
2 mined by the Secretary.

3 “(4) CONSIDERATIONS.—In selecting eligible
4 entities to receive a grant under this subsection, the
5 Secretary shall—

6 “(A) consider the extent to which the ap-
7 plication of the eligible entity would—

8 “(i) reduce estimated greenhouse gas
9 emissions and air pollution from vehicle
10 emissions, weighted by the total Federal
11 investment in the project;

12 “(ii) improve alternative fueling cor-
13 ridor networks by—

14 “(I) converting corridor-pending
15 corridors to corridor-ready corridors;
16 or

17 “(II) in the case of corridor-
18 ready corridors, providing additional
19 capacity—

20 “(aa) to meet excess demand
21 for charging or fueling infra-
22 structure; or

23 “(bb) to reduce congestion
24 at existing charging or fueling in-

1 infrastructure in high-traffic loca-
2 tions;

3 “(iii) meet current or anticipated mar-
4 ket demands for charging or fueling infra-
5 structure;

6 “(iv) enable or accelerate the con-
7 struction of charging or fueling infrastruc-
8 ture that would be unlikely to be completed
9 without Federal assistance;

10 “(v) support a long-term competitive
11 market for electric vehicle charging infra-
12 structure, natural gas fueling, propane
13 fueling, or hydrogen fueling infrastructure
14 that does not significantly impair existing
15 electric vehicle charging or hydrogen fuel-
16 ing infrastructure providers; and

17 “(vi) reducing greenhouse gas emis-
18 sions in established goods-movement cor-
19 ridors, locations serving first- and last-mile
20 freight near ports and freight hubs, and lo-
21 cations that optimize infrastructure net-
22 works and reduce hazardous air pollutants
23 in communities disproportionately im-
24 pacted by such pollutants; and

1 “(B) ensure, to the maximum extent prac-
2 ticable, geographic diversity among grant recipi-
3 ents to ensure that electric vehicle charging in-
4 frastructure or hydrogen fueling infrastructure
5 is available throughout the United States.

6 “(5) USE OF FUNDS.—

7 “(A) IN GENERAL.—Any grant made
8 under this subsection shall be—

9 “(i) directly related to the charging or
10 fueling of a vehicle; and

11 “(ii) only for charging or fueling in-
12 frastructure that is open to the general
13 public.

14 “(B) LOCATION OF INFRASTRUCTURE.—

15 “(i) IN GENERAL.—Any electric vehi-
16 cle charging, natural gas fueling, propane
17 fueling, or hydrogen fueling infrastructure
18 acquired and installed with a grant under
19 this subsection shall be located along an al-
20 ternative fuel corridor designated under
21 this section or by a State or group of
22 States.

23 “(ii) EXCEPTION.—Notwithstanding
24 clause (i), the Secretary may make a grant
25 for electric vehicle charging or hydrogen

1 fueling infrastructure not on a designated
2 alternative fuel corridor if the applicant
3 demonstrates that the proposed charging
4 or fueling infrastructure would expand de-
5 ployment of electric vehicle charging or hy-
6 drogen fueling to a greater number of
7 users than investments on such corridor.

8 “(C) OPERATING ASSISTANCE.—

9 “(i) IN GENERAL.—Subject to clauses
10 (ii) and (iii), an eligible entity that receives
11 a grant under this subsection may use a
12 portion of the funds for operating assist-
13 ance for the first 5 years of operations
14 after the installation of electric vehicle
15 charging, natural gas fueling, propane fuel-
16 ing, or hydrogen fueling infrastructure
17 while the facility transitions to independent
18 system operations.

19 “(ii) INCLUSION.—Operating assist-
20 ance under this subparagraph shall be lim-
21 ited to costs allocable to operating and
22 maintaining the electric vehicle charging,
23 natural gas fueling, propane fueling, or hy-
24 drogen fueling infrastructure and service.

1 “(iii) LIMITATION.—Operating assist-
2 ance under this subparagraph may not ex-
3 ceed the amount of a contract under sub-
4 paragraph (A) to acquire and install elec-
5 tric vehicle charging, natural gas fueling,
6 propane fueling, or hydrogen fueling infra-
7 structure.

8 “(D) SIGNS.—

9 “(i) IN GENERAL.—Subject to this
10 paragraph and paragraph (6)(B), an eligi-
11 ble entity that receives a grant under this
12 subsection may use a portion of the funds
13 to acquire and install—

14 “(I) traffic control devices lo-
15 cated in the right-of-way to provide
16 directional information to electric ve-
17 hicle charging, natural gas fueling,
18 propane fueling, or hydrogen fueling
19 infrastructure acquired, installed, or
20 operated with the grant under this
21 subsection; and

22 “(II) on-premises signs to pro-
23 vide information about electric vehicle
24 charging, natural gas fueling, propane
25 fueling, or hydrogen fueling infra-

1 structure acquired, installed, or oper-
2 ated with a grant under this sub-
3 section.

4 “(ii) REQUIREMENT.—Any traffic
5 control device or on-premises sign ac-
6 quired, installed, or operated with a grant
7 under this subsection shall comply with the
8 Manual on Uniform Traffic Control De-
9 vices, if located in the highway right-of-
10 way.

11 “(E) REVENUE.—An eligible entity receiv-
12 ing a grant under this subsection and a private
13 entity referred to in subparagraph (F) may
14 enter into a cost-sharing agreement under
15 which the private entity submits to the eligible
16 entity a portion of the revenue from the electric
17 vehicle charging, natural gas fueling, propane
18 fueling, or hydrogen fueling infrastructure.

19 “(F) PRIVATE ENTITY.—

20 “(i) IN GENERAL.—An eligible entity
21 receiving a grant under this subsection
22 may use the funds in accordance with this
23 paragraph to contract with a private entity
24 for installation, operation, or maintenance
25 of electric vehicle charging, natural gas

1 fueling, propane fueling, or hydrogen fuel-
2 ing infrastructure.

3 “(ii) INCLUSION.—An eligible private
4 entity includes privately, publicly, or coop-
5 eratively owned utilities, private electric ve-
6 hicle service equipment and hydrogen fuel-
7 ing infrastructure providers, and retail fuel
8 stations.

9 “(6) PROJECT REQUIREMENTS.—

10 “(A) IN GENERAL.—Notwithstanding any
11 other provision of law, any project funded by a
12 grant under this subsection shall be treated as
13 a project on a Federal-aid highway.

14 “(B) ELECTRIC VEHICLE CHARGING
15 PROJECTS.—A project for electric vehicle charg-
16 ing infrastructure funded by a grant under this
17 subsection shall be subject to the requirements
18 of section 155.

19 “(7) FEDERAL SHARE.—The Federal share of
20 the cost of a project carried out with a grant under
21 this subsection shall not exceed 80 percent of the
22 total project cost.

23 “(8) CERTIFICATION.—The Secretary of Com-
24 merce shall certify that no projects carried out under
25 this subsection use minerals sourced or processed

1 with child labor, as such term is defined in Article
2 3 of the International Labor Organization Conven-
3 tion concerning the prohibition and immediate action
4 for the elimination of the worst forms of child labor
5 (December 2, 2000), or in violation of human
6 rights.”.

7 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

8 (a) IN GENERAL.—Chapter 1 of title 23, United
9 States Code, as amended by this title, is further amended
10 by inserting after section 171 the following:

11 **“§ 172. Community climate innovation grants**

12 “(a) ESTABLISHMENT.—The Secretary shall estab-
13 lish a community climate innovation grant program (in
14 this section referred to as the ‘Program’) to make grants,
15 on a competitive basis, for locally selected projects that
16 reduce greenhouse gas emissions while improving the mo-
17 bility, accessibility, and connectivity of the surface trans-
18 portation system.

19 “(b) PURPOSE.—The purpose of the Program shall
20 be to support communities in reducing greenhouse gas
21 emissions from the surface transportation system.

22 “(c) ELIGIBLE APPLICANTS.—The Secretary may
23 make grants under the Program to the following entities:

24 “(1) A metropolitan planning organization.

1 “(2) A unit of local government or a group of
2 local governments, or a county or multi-county spe-
3 cial district.

4 “(3) A subdivision of a local government.

5 “(4) A transit agency.

6 “(5) A special purpose district with a transpor-
7 tation function or a port authority.

8 “(6) A Tribal government or a consortium of
9 tribal governments.

10 “(7) A territory.

11 “(8) A multijurisdictional group of entities de-
12 scribed in paragraphs (1) through (7).

13 “(d) APPLICATIONS.—To be eligible for a grant
14 under the Program, an entity specified in subsection (c)
15 shall submit to the Secretary an application in such form,
16 at such time, and containing such information as the Sec-
17 retary determines appropriate.

18 “(e) ELIGIBLE PROJECTS.—The Secretary may only
19 provide a grant under the Program for a project that is
20 expected to yield a significant reduction in greenhouse gas
21 emissions from the surface transportation system and—

22 “(1) is a project eligible for assistance under
23 this title or under chapter 53 of title 49 or supports
24 fueling infrastructure for fuels defined under section

1 9001(5) of the Farm Security and Rural Investment
2 Act of 2002 (7 U.S.C. 8101(5)); or

3 “(2) is a capital project as defined in section
4 22906 of title 49 to improve intercity passenger rail
5 that will yield a significant reduction in single occu-
6 pant vehicle trips and improve mobility on public
7 roads.

8 “(f) ELIGIBLE USES.—Grant amounts received for a
9 project under the Program may be used for—

10 “(1) development phase activities, including
11 planning, feasibility analysis, revenue forecasting,
12 environmental review, preliminary engineering and
13 design work, and other preconstruction activities;
14 and

15 “(2) construction, reconstruction, rehabilitation,
16 acquisition of real property (including land related
17 to the project and improvements to the land), envi-
18 ronmental mitigation, construction contingencies, ac-
19 quisition of equipment, and operational improve-
20 ments.

21 “(g) PROJECT PRIORITIZATION.—In making grants
22 for projects under the Program, the Secretary shall give
23 priority to projects that are expected to yield the most sig-
24 nificant reductions in greenhouse gas emissions from the
25 surface transportation system.

1 “(h) ADDITIONAL CONSIDERATIONS.—In making
2 grants for projects under the Program, the Secretary shall
3 consider the extent to which—

4 “(1) a project maximizes greenhouse gas reduc-
5 tions in a cost-effective manner;

6 “(2) a project reduces dependence on single-oc-
7 cupant vehicle trips or provides additional transpor-
8 tation options;

9 “(3) a project improves the connectivity and ac-
10 cessibility of the surface transportation system, par-
11 ticularly to low- and zero-emission forms of trans-
12 portation, including public transportation, walking,
13 and bicycling;

14 “(4) an applicant has adequately considered or
15 will adequately consider, including through the op-
16 portunity for public comment, the environmental jus-
17 tice and equity impacts of the project;

18 “(5) a project contributes to geographic diver-
19 sity among grant recipients, including to achieve a
20 balance between urban, suburban, and rural commu-
21 nities;

22 “(6) a project serves low-income residents of
23 low-income communities, including areas of per-
24 sistent poverty, while not displacing such residents;

1 “(7) a project uses pavement materials that
2 demonstrate reductions in greenhouse gas emissions
3 through sequestration or innovative manufacturing
4 processes;

5 “(8) a project repurposes neglected or
6 underused infrastructure, including abandoned high-
7 ways, bridges, railways, trail ways, and adjacent
8 underused spaces, into new hybrid forms of public
9 space that support multiple modes of transportation;
10 and

11 “(9) a project includes regional multimodal
12 transportation system management and operations
13 elements that will improve the effectiveness of such
14 project and encourage reduction of single occupancy
15 trips by providing the ability of users to plan, use,
16 and pay for multimodal transportation alternatives.

17 “(i) FUNDING.—

18 “(1) MAXIMUM AMOUNT.—The maximum
19 amount of a grant under the Program shall be
20 \$25,000,000.

21 “(2) TECHNICAL ASSISTANCE.—Of the amounts
22 made available to carry out the Program, the Sec-
23 retary may use up to 1 percent to provide technical
24 assistance to applicants and potential applicants.

25 “(j) TREATMENT OF PROJECTS.—

1 “(1) FEDERAL REQUIREMENTS.—The Secretary
2 shall, with respect to a project funded by a grant
3 under this section, apply—

4 “(A) the requirements of this title to a
5 highway project;

6 “(B) the requirements of chapter 53 of
7 title 49 to a public transportation project; and

8 “(C) the requirements of section 22905 of
9 title 49 to a passenger rail or freight rail
10 project.

11 “(2) MULTIMODAL PROJECTS.—

12 “(A) IN GENERAL.—Except as otherwise
13 provided in this paragraph, if an eligible project
14 is a multimodal project, the Secretary shall—

15 “(i) determine the predominant modal
16 component of the project; and

17 “(ii) apply the applicable requirements
18 of such predominant modal component to
19 the project.

20 “(B) EXCEPTIONS.—

21 “(i) PASSENGER OR FREIGHT RAIL
22 COMPONENT.—For any passenger or
23 freight rail component of a project, the re-
24 quirements of section 22907(j)(2) of title
25 49 shall apply.

1 “(ii) PUBLIC TRANSPORTATION COM-
2 PONENT.—For any public transportation
3 component of a project, the requirements
4 of section 5333 of title 49 shall apply.

5 “(C) BUY AMERICA.—In applying the Buy
6 American requirements under section 313 of
7 this title and sections 5320, 22905(a), and
8 24305(f) of title 49 to a multimodal project
9 under this paragraph, the Secretary shall—

10 “(i) consider the various modal com-
11 ponents of the project; and

12 “(ii) seek to maximize domestic jobs.

13 “(3) FEDERAL-AID HIGHWAY REQUIRE-
14 MENTS.—Notwithstanding any other provision of
15 this subsection, the Secretary shall require recipients
16 of grants under this section to comply with sub-
17 section (a) of section 113 with respect to public
18 transportation projects, passenger rail projects, and
19 freight rail projects, in the same manner that recipi-
20 ents of grants are required to comply with such sub-
21 section for construction work performed on highway
22 projects on Federal-aid highways.

23 “(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
24 CILITIES.—None of the funds provided under this section
25 may be used for a project that will result in the construc-

1 tion of new capacity available to single occupant vehicles
2 unless the project consists of a high-occupancy vehicle fa-
3 cility and is consistent with section 166.

4 “(1) DEFINITION OF AREAS OF PERSISTENT POV-
5 ERTY.—In this section, the term ‘areas of persistent pov-
6 erty’ means—

7 “(1) any county that has had 20 percent or
8 more of the population of such county living in pov-
9 erty over the past 30 years, as measured by the
10 1990 and 2000 decennial censuses and the most re-
11 cent Small Area Income and Poverty Estimates;

12 “(2) any census tract with a poverty rate of at
13 least 20 percent, as measured by the most recent 5-
14 year data series available from the American Com-
15 munity Survey of the Bureau of the Census for all
16 States and Puerto Rico; or

17 “(3) any other territory or possession of the
18 United States that has had 20 percent or more of
19 its population living in poverty over the past 30
20 years, as measured by the 1990, 2000, and 2010 is-
21 land areas decennial censuses, or equivalent data, of
22 the Bureau of the Census.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 1 of title 23, United States Code, is amended by insert-
25 ing after the item relating to section 171 the following:

“172. Community climate innovation grants.”.

1 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary of Transpor-
3 tation shall directly allocate funds in accordance with this
4 section to enhance local decision making and control in
5 delivering projects to address local transportation needs.

6 (b) DESIGNATION.—

7 (1) IN GENERAL.—The Secretary shall des-
8 ignate direct recipients based on the criteria in para-
9 graph (3) to be direct recipients of funds under this
10 section.

11 (2) RESPONSIBILITIES.—A direct recipient shall
12 be responsible for compliance with any requirements
13 related to the use of Federal funds vested in a State
14 department of transportation under chapter 1 of
15 title 23, United States Code.

16 (3) CRITERIA.—In designating an applicant
17 under this subsection, the Secretary shall consider—

18 (A) the legal, financial, and technical ca-
19 pacity of the applicant;

20 (B) the level of coordination between the
21 applicant and—

22 (i) the State department of transpor-
23 tation of the State or States in which the
24 metropolitan planning area represented by
25 the applicant is located;

1 (ii) local governments and providers of
2 public transportation within the metropoli-
3 tan planning area represented by the appli-
4 cant; and

5 (iii) if more than 1 metropolitan plan-
6 ning organization is designated within an
7 urbanized area represented by the appli-
8 cant, any other such metropolitan planning
9 organization;

10 (C) in the case of an applicant that rep-
11 resents an urbanized area population of greater
12 than 200,000, the effectiveness of project deliv-
13 ery and timely obligation of funds made avail-
14 able under section 133(d)(1)(A)(i) of title 23,
15 United States Code;

16 (D) if the applicant or a local government
17 within the metropolitan planning area that the
18 applicant represents has been the recipient of a
19 discretionary grant from the Secretary within
20 the preceding 5 years, the administration of
21 such grant;

22 (E) the extent to which the planning and
23 decision making process of the applicant, in-
24 cluding the long-range transportation plan and

1 the approved transportation improvement pro-
2 gram under section 134 of such title, support—

3 (i) the performance goals established
4 under section 150(b) of such title; and

5 (ii) the achievement of metropolitan
6 or statewide performance targets estab-
7 lished under section 150(d) of such title;

8 (F) whether the applicant is a designated
9 recipient of funds from the Federal Transit Ad-
10 ministration as described under subsections (A)
11 and (B) of section 5302(4) of title 49, United
12 States Code; and

13 (G) any other criteria established by the
14 Secretary.

15 (4) REQUIREMENTS.—

16 (A) CALL FOR NOMINATION.—Not later
17 than February 1, 2022, the Secretary shall
18 publish in the Federal Register a notice solici-
19 ting applications for designation under this
20 subsection.

21 (B) GUIDANCE.—The notification under
22 paragraph (1) shall include guidance on the re-
23 quirements and responsibilities of a direct re-
24 cipient under this section, including imple-
25 menting regulations.

1 (C) DETERMINATION.—The Secretary
2 shall make all designations under this section
3 for fiscal year 2023 not later than June 1,
4 2022.

5 (5) TERM.—Except as provided in paragraph
6 (6), a designation under this subsection shall—

7 (A) be for a period of not less than 5
8 years; and

9 (B) be renewable.

10 (6) TERMINATION.—

11 (A) IN GENERAL.—The Secretary shall es-
12 tablish procedures for the termination of a des-
13 ignation under this subsection.

14 (B) CONSIDERATIONS.—In establishing
15 procedures under subparagraph (A), the Sec-
16 retary shall consider—

17 (i) with respect to projects carried out
18 under this section, compliance with the re-
19 quirements of title 23, United States Code,
20 or chapter 53 of title 49, United States
21 Code; and

22 (ii) the obligation rate of any funds—

23 (I) made available under this sec-
24 tion; and

1 (II) in the case of a metropolitan
2 planning organization that represents
3 a metropolitan planning area with an
4 urbanized area population of greater
5 than 200,000, made available under
6 section 133(d)(1)(A)(i) of title 23,
7 United States Code.

8 (c) USE OF FUNDS.—

9 (1) ELIGIBLE PROJECTS.—Funds made avail-
10 able under this section may be obligated for the pur-
11 poses described in section 133(b) of title 23, United
12 States Code.

13 (2) ADMINISTRATIVE EXPENSES AND TECH-
14 NICAL ASSISTANCE.—Of the amounts made available
15 under this section, the Secretary may set aside not
16 more than \$5,000,000 for program management,
17 oversight, and technical assistance to direct recipi-
18 ents.

19 (d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

20 (1) DIRECT AVAILABILITY OF FUNDS.—Not-
21 withstanding title 23, United States Code, the
22 amounts made available under this section shall be
23 allocated to each direct recipient for obligation.

24 (2) PROJECT DELIVERY.—

1 (A) IN GENERAL.—The direct recipient
2 may collaborate with a State, unit of local gov-
3 ernment, regional entity, or transit agency to
4 carry out a project under this section and en-
5 sure compliance with all applicable Federal re-
6 quirements.

7 (B) STATE AUTHORITY.—The State may
8 exercise, on behalf of the direct recipient, any
9 available decisionmaking authorities or actions
10 assumed from the Secretary.

11 (C) USE OF FUNDS.—The direct recipient
12 may use amounts made available under this
13 section to compensate a State, unit of local gov-
14 ernment, regional entity, or transit agency for
15 costs incurred in providing assistance under
16 this paragraph.

17 (3) DISTRIBUTION OF AMOUNTS AMONG DIRECT
18 RECIPIENTS.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), on the first day of the fiscal year for
21 which funds are made available under this sec-
22 tion, the Secretary shall allocate such funds to
23 each direct recipient as the proportion of the
24 population (as determined by data collected by
25 the Bureau of the Census) of the urbanized

1 area represented by any 1 direct recipient bears
2 to the total population of all of urbanized areas
3 represented by all direct recipients.

4 (B) MINIMUM AND MAXIMUM AMOUNTS.—
5 Of funds allocated to direct recipients under
6 subparagraph (A), each direct recipient shall re-
7 ceive not less than \$10,000,000 and not more
8 than \$50,000,000 each fiscal year.

9 (C) MINIMUM GUARANTEED AMOUNT.—In
10 making a determination whether to designate a
11 metropolitan planning organization as a direct
12 recipient under subsection (b), the Secretary
13 shall ensure that each direct recipient receives
14 the minimum required allocation under sub-
15 paragraph (B).

16 (D) ADDITIONAL AMOUNTS.—If any
17 amounts remain undistributed after the dis-
18 tribution described in this subsection, such re-
19 maining amounts and an associated amount of
20 obligation limitation shall be made available as
21 if suballocated under clauses (i) and (ii) of sec-
22 tion 133(d)(1)(A) of title 23, United States
23 Code, and distributed among the States in the
24 proportion that the relative shares of the popu-
25 lation (as determined by data collected by the

1 Bureau of the Census) of the urbanized areas
2 of each State bears to the total populations of
3 all urbanized areas across all States.

4 (4) ASSUMPTION OF RESPONSIBILITY OF THE
5 SECRETARY.—

6 (A) IN GENERAL.—For projects carried
7 out with funds provided under this section, the
8 direct recipient may assume the responsibilities
9 of the Secretary under section 106 of title 23,
10 United States Code, for design, plans, specifica-
11 tions, estimates, contract awards, and inspec-
12 tions with respect to the projects unless the
13 Secretary determines that the assumption is not
14 appropriate.

15 (B) AGREEMENT.—The Secretary and the
16 direct recipient shall enter into an agreement
17 relating to the extent to which the direct recipi-
18 ent assumes the responsibilities of the Secretary
19 under this paragraph.

20 (C) LIMITATIONS.—The Secretary shall re-
21 tain responsibilities described in subparagraph
22 (A) for any project that the Secretary deter-
23 mines to be in a high-risk category, including
24 projects on the National Highway System.

25 (e) EXPENDITURE OF FUNDS.—

1 (1) CONSISTENCY WITH METROPOLITAN PLAN-
2 NING.—Except as otherwise provided in this section,
3 programming and expenditure of funds for projects
4 under this section shall be consistent with the re-
5 quirements of section 134 of title 23, United States
6 Code, and section 5303 of title 49, United States
7 Code.

8 (2) SELECTION OF PROJECTS.—

9 (A) IN GENERAL.—Notwithstanding sub-
10 sections (j)(5) and (k)(4) of section 134 of title
11 23, United States Code, or subsections (j)(5)
12 and (k)(4) of section 5303 of title 49, United
13 States Code, a direct recipient shall select, from
14 the approved transportation improvement pro-
15 gram under such sections, all projects to be
16 funded under this section, including projects on
17 the National Highway System.

18 (B) ELIGIBLE PROJECTS.—The project se-
19 lection process described in this subsection shall
20 apply to all federally funded projects within the
21 boundaries of a metropolitan planning area
22 served by a direct recipient that are carried out
23 under this section.

24 (C) CONSULTATION REQUIRED.—In select-
25 ing a project under this subsection, the metro-

1 politan planning organization shall consult
2 with—

3 (i) in the case of a highway project,
4 the State and locality in which such project
5 is located; and

6 (ii) in the case of a transit project,
7 any affected public transportation oper-
8 ator.

9 (3) RULE OF CONSTRUCTION.—Nothing in this
10 section shall be construed to limit the ability of a di-
11 rect recipient to partner with a State department of
12 transportation or other recipient of Federal funds
13 under title 23, United States Code, or chapter 53 of
14 title 49, United States Code, to carry out a project.

15 (f) TREATMENT OF FUNDS.—

16 (1) IN GENERAL.—Except as provided in this
17 section, funds made available to carry out this sec-
18 tion shall be administered as if apportioned under
19 chapter 1 of title 23, United States Code.

20 (2) FEDERAL SHARE.—The Federal share of
21 the cost of a project carried out under this section
22 shall be determined in accordance with section 120
23 of title 23, United States Code.

24 (g) REPORT.—

1 (1) DIRECT RECIPIENT REPORT.—Not later
2 than 60 days after the end of each fiscal year, each
3 direct recipient shall submit to the Secretary a re-
4 port that includes—

5 (A) a list of projects funded with amounts
6 provided under this section;

7 (B) a description of any obstacles to com-
8 plete projects or timely obligation of funds; and

9 (C) recommendations to improve the effec-
10 tiveness of the program under this section.

11 (2) REPORT TO CONGRESS.—Not later than Oc-
12 tober 1, 2024, the Secretary shall submit to the
13 Committee on Environment and Public Works of the
14 Senate and the Committee on Transportation and
15 Infrastructure of the House of Representatives a re-
16 port that—

17 (A) summarizes the findings of each direct
18 recipient provided under paragraph (1);

19 (B) describes the efforts undertaken by
20 both direct recipients and the Secretary to en-
21 sure compliance with the requirements of title
22 23 and chapter 53 of title 49, United States
23 Code;

1 (C) analyzes the capacity of direct recipi-
2 ents to receive direct allocations of funds under
3 chapter 1 of title 23, United States Code; and

4 (D) provides recommendations from the
5 Secretary to—

6 (i) improve the administration, over-
7 sight, and performance of the program es-
8 tablished under this section;

9 (ii) improve the effectiveness of direct
10 recipients to complete projects and obligate
11 funds in a timely manner; and

12 (iii) evaluate options to expand the
13 authority provided under this section, in-
14 cluding to allow for the direct allocation to
15 metropolitan planning organizations of
16 funds made available to carry out clause
17 (i) or (ii) of section 133(d)(1)(A) of title
18 23, United States Code.

19 (3) UPDATE.—Not less frequently than every 2
20 years, the Secretary shall update the report de-
21 scribed in paragraph (2).

22 (h) DEFINITIONS.—

23 (1) DIRECT RECIPIENT.—In this section, the
24 term “direct recipient” means a metropolitan plan-
25 ning organization designated by the Secretary as

1 high-performing under subsection (b) and that was
2 directly allocated funds as described in subsection
3 (d).

4 (2) METROPOLITAN PLANNING AREA.—The
5 term “metropolitan planning area” has the meaning
6 given such term in section 134 of title 23, United
7 States Code.

8 (3) METROPOLITAN PLANNING ORGANIZA-
9 TION.—The term “metropolitan planning organiza-
10 tion” has the meaning given such term in section
11 134 of title 23, United States Code.

12 (4) NATIONAL HIGHWAY SYSTEM.—The term
13 “National Highway System” has the meaning given
14 such term in section 101 of title 23, United States
15 Code.

16 (5) STATE.—The term “State” has the mean-
17 ing given such term in section 101 of title 23,
18 United States Code.

19 (6) URBANIZED AREA.—The term “urbanized
20 area” has the meaning given such term in section
21 134 of title 23, United States Code.

22 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary of Transpor-
24 tation shall establish a gridlock reduction program to
25 make grants, on a competitive basis, for projects to re-

1 duce, and mitigate the adverse impacts of, traffic conges-
2 tion.

3 (b) APPLICATIONS.—To be eligible for a grant under
4 this section, an applicant shall submit to the Secretary an
5 application in such form, at such time, and containing
6 such information as the Secretary determines appropriate.

7 (c) ELIGIBLE APPLICANTS.—The Secretary may
8 make grants under this section to an applicant that is
9 serving an urbanized area, as designated by the Bureau
10 of the Census, with a population of not less than
11 1,000,000 and that is—

12 (1) a metropolitan planning organization;

13 (2) a unit of local government or a group of
14 local governments;

15 (3) a multijurisdictional group of entities de-
16 scribed in paragraphs (1) and (2); or

17 (4) a State that is in partnership with an entity
18 or group of entities described in paragraph (1), (2),
19 or (3).

20 (d) ELIGIBLE PROJECTS.—The Secretary may award
21 grants under this section to applicants that submit a com-
22 prehensive program of surface transportation-related
23 projects to reduce traffic congestion and related adverse
24 impacts, including a project for 1 or more of the following:

- 1 (1) Transportation systems management and
2 operations.
- 3 (2) Intelligent transportation systems.
- 4 (3) Real-time traveler information.
- 5 (4) Traffic incident management.
- 6 (5) Active traffic management.
- 7 (6) Traffic signal timing.
- 8 (7) Multimodal travel payment systems.
- 9 (8) Transportation demand management, in-
10 cluding employer-based commuting programs such
11 as carpool, vanpool, transit benefit, parking cashout,
12 shuttle, or telework programs.
- 13 (9) A project to provide transportation options
14 to reduce traffic congestion, including—
 - 15 (A) a project under chapter 53 of title 49,
16 United States Code;
 - 17 (B) a bicycle or pedestrian project, includ-
18 ing a project to provide safe and connected ac-
19 tive transportation networks; and
 - 20 (C) a surface transportation project car-
21 ried out in accordance with the national travel
22 and tourism infrastructure strategic plan under
23 section 1431(e) of the FAST Act (49 U.S.C.
24 301 note).

1 (10) Any other project, as determined appro-
2 priate by the Secretary.

3 (e) AWARD PRIORITIZATION.—

4 (1) IN GENERAL.—In selecting grants under
5 this section, the Secretary shall prioritize applicants
6 serving urbanized areas, as described in subsection
7 (c), that are experiencing a high degree of recurrent
8 transportation congestion, as determined by the Sec-
9 retary.

10 (2) ADDITIONAL CONSIDERATIONS.—In select-
11 ing grants under this section, the Secretary shall
12 also consider the extent to which the project
13 would—

14 (A) reduce traffic congestion and improve
15 the reliability of the surface transportation sys-
16 tem;

17 (B) mitigate the adverse impacts of traffic
18 congestion on the surface transportation sys-
19 tem, including safety and environmental im-
20 pacts;

21 (C) maximize the use of existing capacity;
22 and

23 (D) employ innovative, integrated, and
24 multimodal solutions to the items described in
25 subparagraphs (A), (B), and (C).

1 (f) FEDERAL SHARE.—

2 (1) IN GENERAL.—The Federal share of the
3 cost of a project carried out under this section may
4 not exceed 60 percent.

5 (2) MAXIMUM FEDERAL SHARE.—Federal as-
6 sistance other than a grant for a project under this
7 section may be used to satisfy the non-Federal share
8 of the cost of such project, except that the total Fed-
9 eral assistance provided for a project receiving a
10 grant under this section may not exceed 80 percent
11 of the total project cost.

12 (g) USE OF FUNDS.—Funds made available for a
13 project under this section may be used for—

14 (1) development phase activities, including plan-
15 ning, feasibility analysis, revenue forecasting, envi-
16 ronmental review, preliminary engineering and de-
17 sign work, and other preconstruction activities; and

18 (2) construction, reconstruction, rehabilitation,
19 acquisition of real property (including land related
20 to the project and improvements to the land), envi-
21 ronmental mitigation, construction contingencies, ac-
22 quisition of equipment, and operational improve-
23 ments.

24 (h) FUNDING.—

1 (1) GRANT AMOUNT.—A grant under this sec-
2 tion shall be in an amount not less than
3 \$10,000,000 and not more than \$50,000,000.

4 (2) AVAILABILITY.—Funds made available
5 under this program shall be available until expended.

6 (i) FREIGHT PROJECT SET-ASIDE.—

7 (1) IN GENERAL.—The Secretary shall set aside
8 not less than 50 percent of the funds made available
9 to carry out this section for grants for freight
10 projects under this subsection.

11 (2) ELIGIBLE USES.—The Secretary shall pro-
12 vide funds set aside under this subsection to appli-
13 cants that submit a comprehensive program of sur-
14 face transportation-related projects to reduce
15 freight-related traffic congestion and related adverse
16 impacts, including—

17 (A) freight intelligent transportation sys-
18 tems;

19 (B) real-time freight parking information;

20 (C) real-time freight routing information;

21 (D) freight transportation and delivery
22 safety projects;

23 (E) first-mile and last-mile delivery solu-
24 tions;

1 (F) shifting freight delivery to off-peak
2 travel times;

3 (G) reducing greenhouse gas emissions and
4 air pollution from freight transportation and
5 delivery, including through the use of innovative
6 vehicles that produce fewer greenhouse gas
7 emissions;

8 (H) use of centralized delivery locations;

9 (I) designated freight vehicle parking and
10 staging areas;

11 (J) curb space management; and

12 (K) other projects, as determined appro-
13 priate by the Secretary.

14 (3) AWARD PRIORITIZATION.—

15 (A) IN GENERAL.—In providing funds set
16 aside under this section, the Secretary shall
17 prioritize applicants serving urbanized areas, as
18 described in subsection (c), that are experi-
19 encing a high degree of recurrent congestion
20 due to freight transportation, as determined by
21 the Secretary.

22 (B) ADDITIONAL CONSIDERATIONS.—In
23 providing funds set aside under this subsection,
24 the Secretary shall consider the extent to which
25 the proposed project—

1 (i) reduces freight-related traffic con-
2 gestion and improves the reliability of the
3 freight transportation system;

4 (ii) mitigates the adverse impacts of
5 freight-related traffic congestion on the
6 surface transportation system, including
7 safety and environmental impacts;

8 (iii) maximizes the use of existing ca-
9 pacity;

10 (iv) employs innovative, integrated,
11 and multimodal solutions to the items de-
12 scribed in clauses (i) through (iii);

13 (v) leverages Federal funds with non-
14 Federal contributions; and

15 (vi) integrates regional multimodal
16 transportation management and oper-
17 ational projects that address both pas-
18 senger and freight congestion.

19 (4) FLEXIBILITY.—If the Secretary determines
20 that there are insufficient qualified applicants to use
21 the funds set aside under this subsection, the Sec-
22 retary may use such funds for grants for any
23 projects eligible under this section.

24 (j) REPORT.—

1 (1) RECIPIENT REPORT.—The Secretary shall
2 ensure that not later than 2 years after the Sec-
3 retary awards grants under this section, the recipi-
4 ent of each such grant submits to the Secretary a
5 report that contains—

6 (A) information on each activity or project
7 that received funding under this section;

8 (B) a summary of any non-Federal re-
9 sources leveraged by a grant under this section;

10 (C) any statistics, measurements, or quan-
11 titative assessments that demonstrate the con-
12 gestion reduction, reliability, safety, and envi-
13 ronmental benefits achieved through activities
14 or projects that received funding under this sec-
15 tion; and

16 (D) any additional information required by
17 the Secretary.

18 (2) REPORT TO CONGRESS.—Not later than 9
19 months after the date specified in paragraph (1), the
20 Secretary shall submit to the Committee on Trans-
21 portation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Environment and
23 Public Works, the Committee on Commerce, Science,
24 and Transportation, and the Committee on Banking,
25 Housing, and Urban Affairs of the Senate, and

1 make publicly available on a website, a report detail-
2 ing—

3 (A) a summary of any information pro-
4 vided under paragraph (1); and

5 (B) recommendations and best practices
6 to—

7 (i) reduce traffic congestion, including
8 freight-related traffic congestion, and im-
9 prove the reliability of the surface trans-
10 portation system;

11 (ii) mitigate the adverse impacts of
12 traffic congestion, including freight-related
13 traffic congestion, on the surface transpor-
14 tation system, including safety and envi-
15 ronmental impacts; and

16 (iii) employ innovative, integrated,
17 and multimodal solutions to the items de-
18 scribed in clauses (i) and (ii).

19 (k) NOTIFICATION.—Not later than 3 business days
20 before awarding a grant under this section, the Secretary
21 shall notify the Committee on Transportation and Infra-
22 structure of the House of Representatives and the Com-
23 mittee on Environment and Public Works, the Committee
24 on Commerce, Science, and Transportation, and the Com-

1 mittee on Banking, Housing, and Urban Affairs of the
2 Senate of the intention to award such a grant.

3 (I) TREATMENT OF PROJECTS.—

4 (1) FEDERAL REQUIREMENTS.—The Secretary
5 shall, with respect to a project funded by a grant
6 under this section, apply—

7 (A) the requirements of title 23, United
8 States Code, to a highway project;

9 (B) the requirements of chapter 53 of title
10 49, United States Code, to a public transpor-
11 tation project; and

12 (C) the requirements of section 22905 of
13 title 49, United States Code, to a passenger rail
14 or freight rail project.

15 (2) MULTIMODAL PROJECTS.—

16 (A) IN GENERAL.—Except as otherwise
17 provided in this paragraph, if an eligible project
18 is a multimodal project, the Secretary shall—

19 (i) determine the predominant modal
20 component of the project; and

21 (ii) apply the applicable requirements
22 of such predominant modal component to
23 the project.

24 (B) EXCEPTIONS.—

1 (i) PASSENGER OR FREIGHT RAIL
2 COMPONENT.—For any passenger or
3 freight rail component of a project, the re-
4 quirements of section 22907(j)(2) of title
5 49, United States Code, shall apply.

6 (ii) PUBLIC TRANSPORTATION COMPO-
7 NENT.—For any public transportation
8 component of a project, the requirements
9 of section 5333 of title 49, United States
10 Code, shall apply.

11 (C) BUY AMERICA.—In applying the Buy
12 American requirements under section 313 of
13 title 23, United States Code, and sections 5320,
14 22905(a), and 24305(f) of title 49, United
15 States Code, to a multimodal project under this
16 paragraph, the Secretary shall—

17 (i) consider the various modal compo-
18 nents of the project; and

19 (ii) seek to maximize domestic jobs.

20 (3) FEDERAL-AID HIGHWAY REQUIREMENTS.—
21 Notwithstanding any other provision of this sub-
22 section, the Secretary shall require recipients of
23 grants under this section to comply with subsection
24 (a) of section 113 of title 23, United States Code,
25 with respect to public transportation projects, pas-

1 senger rail projects, and freight rail projects, in the
2 same manner that recipients of grants are required
3 to comply with such subsection for construction
4 work performed on highway projects on Federal-aid
5 highways.

6 (m) TREATMENT OF FUNDS.—Except as provided in
7 subsection (l), funds authorized for the purposes described
8 in this section shall be available for obligation in the same
9 manner as if the funds were apportioned under chapter
10 1 of title 23, United States Code.

11 **SEC. 1307. REBUILD RURAL GRANT PROGRAM.**

12 (a) ESTABLISHMENT.—The Secretary of Transpor-
13 tation shall establish a rebuild rural grant program to im-
14 prove the safety, state of good repair, and connectivity of
15 transportation infrastructure in rural communities.

16 (b) GRANT AUTHORITY.—

17 (1) IN GENERAL.—In carrying out the program
18 established in subsection (a), the Secretary shall
19 make grants, on a competitive basis, in accordance
20 with this section.

21 (2) GRANT AMOUNT.—A grant made under this
22 program shall be for no more than \$25,000,000.

23 (c) ELIGIBLE APPLICANTS.—The Secretary may
24 make a grant under this section to—

25 (1) a State;

1 (2) a metropolitan planning organization or a
2 regional transportation planning organization;

3 (3) a unit of local government;

4 (4) a Federal land management agency;

5 (5) a Tribal government or a consortium of
6 Tribal governments;

7 (6) a territory; and

8 (7) a multijurisdictional group of entities de-
9 scribed in this subsection.

10 (d) APPLICATIONS.—To be eligible for a grant under
11 this section, an entity specified under subsection (c) shall
12 submit to the Secretary an application in such form, at
13 such time, and containing such information as the Sec-
14 retary determines is appropriate.

15 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
16 vide grants under this section to projects eligible under
17 title 23, United States Code, including projects on and off
18 the Federal-aid highway system, that improve safety, state
19 of good repair, or connectivity in a rural community, in-
20 cluding projects to—

21 (1) improve transportation safety, including
22 projects on high-risk rural roads and on Federal
23 lands;

1 (2) improve state of good repair, including
2 projects to repair and rehabilitate bridges on and off
3 the Federal-aid highway system;

4 (3) provide or increase access to jobs and serv-
5 ices;

6 (4) provide or increase access to—

7 (A) a grain elevator;

8 (B) an agricultural facility;

9 (C) a mining facility;

10 (D) a forestry facility;

11 (E) an intermodal facility;

12 (F) travel or tourism destinations; or

13 (G) any other facility that supports the
14 economy of a rural community; and

15 (5) reduce vehicle-wildlife collisions and improve
16 habitat connectivity.

17 (f) ELIGIBLE PROJECT COSTS.—Grant amounts for
18 a project under this section may be used for—

19 (1) development phase activities, including plan-
20 ning, feasibility analysis, revenue forecasting, envi-
21 ronmental review, preliminary engineering and de-
22 sign work, and other preconstruction activities; and

23 (2) construction, reconstruction, rehabilitation,
24 acquisition of real property (including land related
25 to the project and improvements to the land), envi-

1 ronmental mitigation, construction contingencies, ac-
2 quisition of equipment, and operational improve-
3 ments.

4 (g) FEDERAL SHARE.—

5 (1) IN GENERAL.—The share of the cost of a
6 project provided with a grant under this section may
7 not exceed 80 percent of the total cost of such
8 project.

9 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
10 assistance other than a grant under this section may
11 be used to satisfy up to 100 percent of the total cost
12 of such project.

13 (h) PRIORITY.—In making grants under this section,
14 the Secretary shall prioritize projects that address—

15 (1) significant transportation safety challenges;

16 (2) state of good repair challenges that pose
17 safety risks or risks to a local economy;

18 (3) economic development challenges;

19 (4) connectivity challenges that limit access to
20 jobs or services; and

21 (5) coordination of projects in the highway
22 right-of-way with proposed broadband service infra-
23 structure needs.

24 (i) NOTIFICATION.—Not later than 3 business days
25 before awarding a grant under this section, the Secretary

1 of Transportation shall notify the Committee on Transpor-
2 tation and Infrastructure of the House of Representatives
3 and the Committee on Environment and Public Works of
4 the Senate of the intention to award such a grant.

5 (j) TREATMENT OF PROJECTS.—Notwithstanding
6 any other provision of law, a project carried out under this
7 section shall be treated as if the project is located on a
8 Federal-aid highway.

9 (k) DEFINITION OF RURAL COMMUNITY.—In this
10 section, the term “rural community” means an area that
11 is not an urbanized area, as such term is defined in section
12 101(a) of title 23, United States Code.

13 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

14 (a) ESTABLISHMENT.—The Secretary of Transpor-
15 tation shall establish a program under which the Secretary
16 shall make grants, on a competitive basis, to eligible enti-
17 ties to address the shortage of parking for commercial
18 motor vehicles to improve the safety of commercial motor
19 vehicle operators.

20 (b) APPLICATIONS.—To be eligible for a grant under
21 this section, an eligible entity shall submit to the Secretary
22 an application in such form, at such time, and containing
23 such information as the Secretary may require.

24 (c) ELIGIBLE PROJECTS.—Projects eligible under
25 this section are projects that—

1 (1) construct safety rest areas that include
2 parking for commercial motor vehicles;

3 (2) construct commercial motor vehicle parking
4 facilities—

5 (A) adjacent to private commercial truck-
6 stops and travel plazas;

7 (B) within the boundaries of, or adjacent
8 to, a publicly owned freight facility, including a
9 port terminal operated by a public authority;
10 and

11 (C) at existing facilities, including inspec-
12 tion and weigh stations and park-and-ride loca-
13 tions;

14 (3) open existing weigh stations, safety rest
15 areas, and park-and-ride facilities to commercial
16 motor vehicle parking;

17 (4) facilitate access to publicly and privately
18 provided commercial motor vehicle parking, such as
19 through the use of intelligent transportation sys-
20 tems;

21 (5) construct turnouts along a Federal-aid
22 highway for commercial motor vehicles;

23 (6) make capital improvements to public com-
24 mercial motor vehicle parking facilities that are

1 closed on a seasonal basis to allow the facilities to
2 remain open year-round;

3 (7) open existing commercial motor vehicle
4 chain-up areas that are closed on a seasonal basis to
5 allow the facilities to remain open year-round for
6 commercial motor vehicle parking;

7 (8) address commercial motor vehicle parking
8 and layover needs in emergencies that strain the ca-
9 pacity of existing publicly and privately provided
10 commercial motor vehicle parking; and

11 (9) make improvements to existing commercial
12 motor vehicle parking facilities, including advanced
13 truckstop electrification systems.

14 (d) USE OF FUNDS.—

15 (1) IN GENERAL.—An eligible entity may use a
16 grant under this section for—

17 (A) development phase activities, including
18 planning, feasibility analysis, benefit-cost anal-
19 ysis, environmental review, preliminary engi-
20 neering and design work, and other
21 preconstruction activities necessary to advance
22 a project described in subsection (c); and

23 (B) construction and operational improve-
24 ments, as such terms are defined in section 101
25 of title 23, United States Code.

1 (2) PRIVATE SECTOR PARTICIPATION.—An eli-
2 gible entity that receives a grant under this section
3 may partner with a private entity to carry out an eli-
4 gible project under this section.

5 (3) LIMITATION.—Not more than 10 percent of
6 the amounts made available to carry out this section
7 may be used to promote the availability of existing
8 commercial motor vehicle parking.

9 (e) SELECTION CRITERIA.—In making grants under
10 this section, the Secretary shall consider—

11 (1) in the case of construction of new commer-
12 cial motor vehicle parking capacity, the shortage of
13 public and private commercial motor vehicle parking
14 near the project; and

15 (2) the extent to which each project—

16 (A) would increase commercial motor vehi-
17 cle parking capacity or utilization;

18 (B) would facilitate the efficient movement
19 of freight;

20 (C) would improve safety, traffic conges-
21 tion, and air quality;

22 (D) is cost effective; and

23 (E) reflects consultation with motor car-
24 riers, commercial motor vehicle operators, and

1 private providers of commercial motor vehicle
2 parking.

3 (f) NOTIFICATION OF CONGRESS.—Not later than 3
4 business days before announcing a project selected to re-
5 ceive a grant under this section, the Secretary of Trans-
6 portation shall notify the Committee on Transportation
7 and Infrastructure of the House of Representatives and
8 the Committee on Environment and Public Works of the
9 Senate of the intention to award such a grant.

10 (g) TREATMENT OF FUNDS.—

11 (1) TREATMENT OF PROJECTS.—Notwith-
12 standing any other provision of law, any project
13 funded by a grant under this section shall be treated
14 as a project on a Federal-aid highway under chapter
15 1 of title 23, United States Code.

16 (2) FEDERAL SHARE.—The Federal share of
17 the cost of a project under this section shall be de-
18 termined in accordance with subsections (b) and (c)
19 of section 120 of title 23, United States Code.

20 (h) PROHIBITION ON CHARGING FEES.—To be eligi-
21 ble for a grant under this section, an eligible entity shall
22 certify that no fees will be charged for the use of a project
23 assisted with such grant.

24 (i) AMENDMENT TO MAP-21.—Section 1401(c)(1)
25 of MAP-21 (23 U.S.C. 137 note) is amended—

1 (1) by inserting “and private providers of com-
2 mercial motor vehicle parking” after “personnel”;
3 and

4 (2) in subparagraph (A) by striking “the capa-
5 bility of the State to provide” and inserting “the
6 availability of”.

7 (j) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

8 (1) UPDATE.—Not later than 2 years after the
9 date of enactment of this Act, the Secretary shall
10 update the survey of each State required under sec-
11 tion 1401(c)(1) of the MAP-21 (23 U.S.C. 137
12 note).

13 (2) REPORT.—Not later than 1 year after the
14 deadline under paragraph (1), the Secretary shall
15 publish on the website of the Department of Trans-
16 portation a report that—

17 (A) evaluates the availability of adequate
18 parking and rest facilities for commercial motor
19 vehicles engaged in interstate transportation;

20 (B) evaluates the effectiveness of the
21 projects funded under this section in improving
22 access to commercial motor vehicle parking; and

23 (C) reports on the progress being made to
24 provide adequate commercial motor vehicle
25 parking facilities in the State.

1 (3) CONSULTATION.—The Secretary shall pre-
2 pare the report required under paragraph (2) in con-
3 sultation with—

4 (A) relevant State motor carrier safety
5 personnel;

6 (B) motor carriers and commercial motor
7 vehicle operators; and

8 (C) private providers of commercial motor
9 vehicle parking.

10 (k) DEFINITIONS.—In this section:

11 (1) COMMERCIAL MOTOR VEHICLE.—The term
12 “commercial motor vehicle” has the meaning given
13 such term in section 31132 of title 49, United
14 States Code.

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) a State;

18 (B) a metropolitan planning organization;

19 (C) a unit of local government;

20 (D) a political subdivision of a State or
21 local government carrying out responsibilities
22 relating to commercial motor vehicle parking;
23 and

1 (E) a multistate or multijurisdictional
2 group of entities described in subparagraphs
3 (A) through (D).

4 (3) SAFETY REST AREA.—The term “safety
5 rest area” has the meaning given such term in sec-
6 tion 120(c) of title 23, United States Code.

7 **SEC. 1309. ACTIVE TRANSPORTATION CONNECTIVITY**
8 **GRANT PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary of Transpor-
10 tation shall establish an active transportation connectivity
11 grant program to provide for safe and connected active
12 transportation facilities.

13 (b) GRANT AUTHORITY.—In carrying out the pro-
14 gram established in subsection (a), the Secretary shall
15 make grants, on a competitive basis, in accordance with
16 this section.

17 (c) ELIGIBLE APPLICANTS.—The Secretary may
18 make a grant under this section to—

- 19 (1) a State;
- 20 (2) a metropolitan planning organization;
- 21 (3) a regional transportation authority;
- 22 (4) a unit of local government, including a
23 county or multi-county special district;
- 24 (5) a Federal land management agency;
- 25 (6) a natural resource or public land agency;

1 (7) a Tribal government or a consortium of
2 Tribal governments;

3 (8) any local or regional governmental entity
4 with responsibility for or oversight of transportation
5 or recreational trails; and

6 (9) a multistate or multijurisdictional group of
7 entities described in this subsection.

8 (d) APPLICATIONS.—To be eligible for a grant under
9 this section, an entity specified under subsection (c) shall
10 submit to the Secretary an application in such form, at
11 such time, and containing such information as the Sec-
12 retary determines is appropriate.

13 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
14 vide grants under this section to projects that improve the
15 connectivity and the use of active transportation facili-
16 ties—

17 (1) including—

18 (A) active transportation networks;

19 (B) active transportation spines; and

20 (C) planning related to the development
21 of—

22 (i) active transportation networks;

23 (ii) active transportation spines; and

24 (iii) complete streets plans to create a
25 connected network of active transportation

1 facilities, including sidewalks, bikeways, or
2 pedestrian and bicycle trails; and

3 (2) that have—

4 (A) total project costs of not less than
5 \$15,000,000; or

6 (B) in the case of planning grants under
7 subsection (f), a total cost of not less than
8 \$100,000.

9 (f) PLANNING GRANTS.—Of the amounts made avail-
10 able to carry out this section, the Secretary may use not
11 more than 10 percent to provide planning grants to eligi-
12 ble applicants for activities under subsection (e)(1)(C).

13 (g) CONSIDERATIONS.—In making grants under this
14 section, the Secretary shall consider the extent to which—

15 (1) a project is likely to provide substantial ad-
16 ditional opportunities for walking and bicycling, in-
17 cluding through the creation of—

18 (A) active transportation networks con-
19 necting destinations within or between commu-
20 nities, including schools, workplaces, residences,
21 businesses, recreation areas, and other commu-
22 nity areas; and

23 (B) active transportation spines connecting
24 2 or more communities, metropolitan areas, or
25 States;

1 (2) an applicant has adequately considered or
2 will consider, including through the opportunity for
3 public comment, the environmental justice and eq-
4 uity impacts of the project;

5 (3) the project would improve safety for vulner-
6 able road users, including through the use of com-
7 plete street design policies or a safe system ap-
8 proach; and

9 (4) a project integrates active transportation fa-
10 cilities with public transportation services, where
11 available, to improve access to public transportation.

12 (h) LIMITATION.—

13 (1) IN GENERAL.—The share of the cost of a
14 project assisted with a grant under this section may
15 not exceed 80 percent.

16 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
17 assistance other than a grant under this section may
18 be used to satisfy up to 100 percent of the total
19 project cost.

20 (i) ELIGIBLE PROJECT COSTS.—Amounts made
21 available for a project under this section may be used
22 for—

23 (1) development phase activities, including plan-
24 ning, feasibility analysis, revenue forecasting, envi-

1 ronmental review, preliminary engineering and de-
2 sign work, and other preconstruction activities; and

3 (2) construction, reconstruction, rehabilitation,
4 acquisition of real property (including land related
5 to the project and improvements to the land), envi-
6 ronmental mitigation, construction contingencies, ac-
7 quisition of equipment, and operational improve-
8 ments.

9 (j) NOTIFICATION.—Not later than 3 business days
10 before awarding a grant under this section, the Secretary
11 of Transportation shall notify the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives
13 and the Committee on Environment and Public Works of
14 the Senate of the intention to award such a grant.

15 (k) TREATMENT OF PROJECTS.—Notwithstanding
16 any other provision of law, a project carried out under this
17 section shall be treated in the manner described under sec-
18 tion 133(i) of title 23, United States Code.

19 (l) DEFINITIONS.—In this section:

20 (1) ACTIVE TRANSPORTATION.—The term “ac-
21 tive transportation” means mobility options powered
22 primarily by human energy, including bicycling and
23 walking.

24 (2) ACTIVE TRANSPORTATION NETWORK.—The
25 term “active transportation network” means facili-

1 ties built for active transportation, including side-
2 walks, bikeways, and pedestrian and bicycle trails,
3 that connect destinations within a community, a
4 metropolitan area, or on Federal lands.

5 (3) ACTIVE TRANSPORTATION SPINE.—The
6 term “active transportation spine” means facilities
7 built for active transportation, including sidewalks,
8 bikeways, and pedestrian and bicycle trails, that con-
9 nect communities, metropolitan areas, Federal lands,
10 or States.

11 (4) SAFE SYSTEM APPROACH.—The term “safe
12 system approach” has the meaning given such term
13 in section 148(a) of title 23, United States Code.

14 (5) VULNERABLE ROAD USER.—The term “vul-
15 nerable road user” has the meaning given such term
16 in section 148(a) of title 23, United States Code.

17 **Subtitle D—Planning, Performance**
18 **Management, and Asset Man-**
19 **agement**

20 **SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.**

21 Section 134 of title 23, United States Code, is
22 amended—

23 (1) in subsection (a) by striking “resiliency
24 needs while minimizing transportation-related fuel
25 consumption and air pollution” and inserting “resil-

1 ience and climate change adaptation needs while re-
2 ducing transportation-related fuel consumption, air
3 pollution, and greenhouse gas emissions”;

4 (2) in subsection (b)—

5 (A) by redesignating paragraphs (6) and
6 (7) as paragraphs (7) and (8), respectively; and

7 (B) by inserting after paragraph (5) the
8 following:

9 “(6) STIP.—The term ‘STIP’ means a state-
10 wide transportation improvement program developed
11 by a State under section 135(g).”;

12 (3) in subsection (c)—

13 (A) in paragraph (1) by striking “and
14 transportation improvement programs” and in-
15 serting “and TIPs”; and

16 (B) by adding at the end the following:

17 “(4) CONSIDERATION.—In developing the plans
18 and TIPs, metropolitan planning organizations shall
19 consider direct and indirect emissions of greenhouse
20 gases.”;

21 (4) in subsection (d)—

22 (A) in paragraph (2) by striking “Not
23 later than 2 years after the date of enactment
24 of MAP–21, each” and inserting “Each”;

1 (B) in paragraph (3) by adding at the end
2 the following:

3 “(D) CONSIDERATIONS.—

4 “(i) EQUITABLE AND PROPORTIONAL
5 REPRESENTATION.—In designating offi-
6 cials or representatives under paragraph
7 (2), the metropolitan planning organization
8 shall consider the equitable and propor-
9 tional representation of the population of
10 the metropolitan planning area.

11 “(ii) SAVINGS CLAUSE.—Nothing in
12 this paragraph shall require a metropolitan
13 planning organization in existence on the
14 date of enactment of this subparagraph to
15 be restructured.

16 “(iii) REDESIGNATION.—Notwith-
17 standing clause (ii), the requirements of
18 this paragraph shall apply to any metro-
19 politan planning organization redesignated
20 under paragraph (6).”;

21 (C) in paragraph (6)(B) by striking “para-
22 graph (2)” and inserting “paragraphs (2) or
23 (3)(D)”; and

24 (D) in paragraph (7)—

1 (i) by striking “an existing metropoli-
2 tan planning area” and inserting “an ur-
3 banized area”; and

4 (ii) by striking “the existing metro-
5 politan planning area” and inserting “the
6 area”;

7 (5) in subsection (g)—

8 (A) in paragraph (1) by striking “a metro-
9 politan area” and inserting “an urbanized
10 area”;

11 (B) in paragraph (2) by striking “MPOS”
12 and inserting “METROPOLITAN PLANNING
13 AREAS”;

14 (C) in paragraph (3)(A) by inserting
15 “emergency response and evacuation, climate
16 change adaptation and resilience,” after “dis-
17 aster risk reduction,”; and

18 (D) by adding at the end the following:

19 “(4) COORDINATION BETWEEN MPOS.—

20 “(A) IN GENERAL.—If more than 1 metro-
21 politan planning organization is designated
22 within an urbanized area under subsection
23 (d)(7), the metropolitan planning organizations
24 designated within the area shall ensure, to the
25 maximum extent practicable, the consistency of

1 any data used in the planning process, includ-
2 ing information used in forecasting transpor-
3 tation demand.

4 “(B) SAVINGS CLAUSE.—Nothing in this
5 paragraph requires metropolitan planning orga-
6 nizations designated within a single urbanized
7 area to jointly develop planning documents, in-
8 cluding a unified long-range transportation plan
9 or unified TIP.”;

10 (6) in subsection (h)(1)—

11 (A) by striking subparagraph (E) and in-
12 serting the following:

13 “(E) protect and enhance the environment,
14 promote energy conservation, reduce greenhouse
15 gas emissions, improve the quality of life and
16 public health, and promote consistency between
17 transportation improvements and State and
18 local planned growth and economic development
19 patterns, including housing and land use pat-
20 terns;”;

21 (B) in subparagraph (I)—

22 (i) by inserting “, sea level rise, ex-
23 treme weather, and climate change” after
24 “stormwater”; and

25 (ii) by striking “and” at the end;

1 (C) by redesignating subparagraph (J) as
2 subparagraph (M); and

3 (D) by inserting after subparagraph (I) the
4 following:

5 “(J) facilitate emergency management, re-
6 sponse, and evacuation and hazard mitigation;

7 “(K) improve the level of transportation
8 system access;

9 “(L) support inclusive zoning policies and
10 land use planning practices that incentivize af-
11 fordable, elastic, and diverse housing supply, fa-
12 cilitate long-term economic growth by improving
13 the accessibility of housing to jobs, and prevent
14 high housing costs from displacing economically
15 disadvantaged households; and”;

16 (7) in subsection (h)(2) by striking subpara-
17 graph (A) and inserting the following:

18 “(A) IN GENERAL.—Through the use of a
19 performance-based approach, transportation in-
20 vestment decisions made as a part of the metro-
21 politan transportation planning process shall
22 support the national goals described in section
23 150(b), the achievement of metropolitan and
24 statewide targets established under section
25 150(d), the improvement of transportation sys-

1 tem access (consistent with section 150(f)), and
2 the general purposes described in section 5301
3 of title 49.”;

4 (8) in subsection (i)—

5 (A) in paragraph (2)(D)(i) by inserting
6 “reduce greenhouse gas emissions and” before
7 “restore and maintain”;

8 (B) in paragraph (2)(G) by inserting “and
9 climate change” after “infrastructure to natural
10 disasters”;

11 (C) in paragraph (2)(H) by inserting
12 “greenhouse gas emissions,” after “pollution,”;

13 (D) in paragraph (5)—

14 (i) in subparagraph (A) by inserting
15 “air quality, public health, housing, trans-
16 portation, resilience, hazard mitigation,
17 emergency management,” after “conserva-
18 tion,”; and

19 (ii) by striking subparagraph (B) and
20 inserting the following:

21 “(B) ISSUES.—The consultation shall in-
22 volve, as appropriate, comparison of transpor-
23 tation plans to other relevant plans, including,
24 if available—

1 “(i) State conservation plans or maps;

2 and

3 “(ii) inventories of natural or historic
4 resources.”; and

5 (E) by amending paragraph (6)(C) to read
6 as follows:

7 “(C) METHODS.—

8 “(i) IN GENERAL.—In carrying out
9 subparagraph (A), the metropolitan plan-
10 ning organization shall, to the maximum
11 extent practicable—

12 “(I) hold any public meetings at
13 convenient and accessible locations
14 and times;

15 “(II) employ visualization tech-
16 niques to describe plans; and

17 “(III) make public information
18 available in electronically accessible
19 format and means, such as the inter-
20 net, as appropriate to afford reason-
21 able opportunity for consideration of
22 public information under subpara-
23 graph (A).

24 “(ii) ADDITIONAL METHODS.—In ad-
25 dition to the methods described in clause

1 (i), in carrying out subparagraph (A), the
2 metropolitan planning organization shall,
3 to the maximum extent practicable—

4 “(I) use virtual public involve-
5 ment, social media, and other web-
6 based tools to encourage public par-
7 ticipation and solicit public feedback;
8 and

9 “(II) use other methods, as ap-
10 propriate, to further encourage public
11 participation of historically underrep-
12 resented individuals in the transpor-
13 tation planning process.”;

14 (9) in subsection (j) by striking “transportation
15 improvement program” and inserting “TIP” each
16 place it appears; and

17 (10) by striking “Federally” each place it ap-
18 pears and inserting “federally”.

19 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
20 **PORTATION PLANNING.**

21 Section 135 of title 23, United States Code, is
22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (B) in paragraph (2)—

5 (i) by striking “The statewide trans-
6 portation plan and the” and inserting the
7 following:

8 “(A) IN GENERAL.—The statewide trans-
9 portation plan and the”;

10 (ii) by striking “transportation im-
11 provement program” and inserting
12 “STIP”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(B) CONSIDERATION.—In developing the
16 statewide transportation plans and STIPs,
17 States shall consider direct and indirect emis-
18 sions of greenhouse gases.”; and

19 (C) in paragraph (3) by striking “trans-
20 portation improvement program” and inserting
21 “STIP”;

22 (2) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (E)—

1 (I) by inserting “reduce green-
2 house gas emissions,” after “promote
3 energy conservation,”;

4 (II) by inserting “and public
5 health” after “improve the quality of
6 life”; and

7 (III) by inserting “, including
8 housing and land use patterns” after
9 “economic development patterns”;

10 (ii) in subparagraph (I)—

11 (I) by inserting “, sea level rise,
12 extreme weather, and climate change”
13 after “mitigate stormwater”; and

14 (II) by striking “and” after the
15 semicolon;

16 (iii) by redesignating subparagraph
17 (J) as subparagraph (M); and

18 (iv) by inserting after subparagraph
19 (I) the following:

20 “(J) facilitate emergency management, re-
21 sponse, and evacuation and hazard mitigation;

22 “(K) improve the level of transportation
23 system access;

24 “(L) support inclusive zoning policies and
25 land use planning practices that incentivize af-

1 fordable, elastic, and diverse housing supply, fa-
2 cilitate long-term economic growth by improving
3 the accessibility of housing to jobs, and prevent
4 high housing costs from displacing economically
5 disadvantaged households; and”;

6 (B) in paragraph (2)—

7 (i) by striking subparagraph (A) and
8 inserting the following:

9 “(A) IN GENERAL.—Through the use of a
10 performance-based approach, transportation in-
11 vestment decisions made as a part of the state-
12 wide transportation planning process shall sup-
13 port—

14 “(i) the national goals described in
15 section 150(b);

16 “(ii) the consideration of transpor-
17 tation system access (consistent with sec-
18 tion 150(f));

19 “(iii) the achievement of statewide
20 targets established under section 150(d);
21 and

22 “(iv) the general purposes described
23 in section 5301 of title 49.”; and

1 (ii) in subparagraph (D) by striking
2 “statewide transportation improvement
3 program” and inserting “STIP”; and

4 (C) in paragraph (3) by striking “state-
5 wide transportation improvement program” and
6 inserting “STIP”;

7 (3) in subsection (e)(3) by striking “transpor-
8 tation improvement program” and inserting
9 “STIP”;

10 (4) in subsection (f)—

11 (A) in paragraph (2)(D)—

12 (i) in clause (i) by inserting “air qual-
13 ity, public health, housing, transportation,
14 resilience, hazard mitigation, emergency
15 management,” after “conservation,”; and

16 (ii) by amending clause (ii) to read as
17 follows:

18 “(ii) COMPARISON AND CONSIDER-
19 ATION.—Consultation under clause (i)
20 shall involve the comparison of transpor-
21 tation plans to other relevant plans and in-
22 ventories, including, if available—

23 “(I) State and tribal conservation
24 plans or maps; and

1 “(II) inventories of natural or
2 historic resources.”;

3 (B) in paragraph (3)(B)—

4 (i) by striking “In carrying out” and
5 inserting the following:

6 “(i) IN GENERAL.—in carrying out”;

7 (ii) by redesignating clauses (i)
8 through (iv) as subclauses (I) through
9 (IV), respectively; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(ii) ADDITIONAL METHODS.—In ad-
13 dition to the methods described in clause
14 (i), in carrying out subparagraph (A), the
15 State shall, to the maximum extent prac-
16 ticable—

17 “(I) use virtual public involve-
18 ment, social media, and other web-
19 based tools to encourage public par-
20 ticipation and solicit public feedback;
21 and

22 “(II) use other methods, as ap-
23 propriate, to further encourage public
24 participation of historically underrep-

1 resented individuals in the transpor-
2 tation planning process.”;

3 (C) in paragraph (4)(A) by inserting “re-
4 duce greenhouse gas emissions and” after “po-
5 tential to”; and

6 (D) in paragraph (8) by inserting “green-
7 house gas emissions,” after “pollution,”;
8 (5) in subsection (g)—

9 (A) in paragraph (1)(A) by striking “state-
10 wide transportation improvement program” and
11 inserting “STIP”;

12 (B) in paragraph (3) by striking “opera-
13 tors),,” and inserting “operators,”;

14 (C) in paragraph (4) by striking “state-
15 wide transportation improvement program” and
16 inserting “STIP” each place it appears;

17 (D) in paragraph (5)—

18 (i) in subparagraph (A) by striking
19 “transportation improvement program”
20 and inserting “STIP”;

21 (ii) in subparagraph (B)(ii) by strik-
22 ing “metropolitan transportation improve-
23 ment program” and inserting “TIP”;

24 (iii) in subparagraph (C) by striking
25 “transportation improvement program”

1 and inserting “STIP” each place it ap-
2 pears;

3 (iv) in subparagraph (E) by striking
4 “transportation improvement program”
5 and inserting “STIP”;

6 (v) in subparagraph (F)(i) by striking
7 “transportation improvement program”
8 and inserting “STIP” each place it ap-
9 pears;

10 (vi) in subparagraph (G)(ii) by strik-
11 ing “transportation improvement program”
12 and inserting “STIP”; and

13 (vii) in subparagraph (H) by striking
14 “transportation improvement program”
15 and inserting “STIP”;

16 (E) in paragraph (6)—

17 (i) in subparagraph (A)—

18 (I) by striking “transportation
19 improvement program” and inserting
20 “STIP”; and

21 (II) by striking “and projects
22 carried out under the bridge program
23 or the Interstate maintenance pro-
24 gram”; and

25 (ii) in subparagraph (B)—

1 (I) by striking “or under the
2 bridge program or the Interstate
3 maintenance program”;

4 (II) by striking “5310, 5311,
5 5316, and 5317” and inserting “5310
6 and 5311”; and

7 (III) by striking “statewide
8 transportation improvement program”
9 and inserting “STIP”;

10 (F) in paragraph (7)—

11 (i) in the heading by striking “TRANS-
12 PORTATION IMPROVEMENT PROGRAM” and
13 inserting “STIP”; and

14 (ii) by striking “transportation im-
15 provement program” and inserting
16 “STIP”;

17 (G) in paragraph (8) by striking “state-
18 wide transportation plans and programs” and
19 inserting “statewide transportation plans and
20 STIPs”; and

21 (H) in paragraph (9) by striking “trans-
22 portation improvement program” and inserting
23 “STIP”;

24 (6) in subsection (h)(2)(A) by striking “Not
25 later than 5 years after the date of enactment of the

1 MAP-21,” and inserting “Not less frequently than
2 once every 4 years,”;

3 (7) in subsection (k) by striking “transportation
4 improvement program” and inserting “STIP” each
5 place it appears; and

6 (8) in subsection (m) by striking “transportation
7 improvement programs” and inserting
8 “STIPs”.

9 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**
10 **MENT MEASURES.**

11 (a) IN GENERAL.—Section 150 of title 23, United
12 States Code, is amended—

13 (1) in subsection (b)—

14 (A) by redesignating paragraph (7) as
15 paragraph (8); and

16 (B) by inserting after paragraph (6) the
17 following:

18 “(7) COMBATING CLIMATE CHANGE.—To re-
19 duce carbon dioxide and other greenhouse gas emis-
20 sions and reduce the climate impacts of the trans-
21 portation system.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1) by striking “Not
24 later than 18 months after the date of enact-

1 ment of the MAP-21, the Secretary” and in-
2 serting “The Secretary”; and

3 (B) by adding at the end the following:

4 “(7) GREENHOUSE GAS EMISSIONS.—The Sec-
5 retary shall establish, in consultation with the Ad-
6 ministrator of the Environmental Protection Agency,
7 measures for States to use to assess—

8 “(A) carbon dioxide emissions per capita
9 on public roads; and

10 “(B) any other greenhouse gas emissions
11 per capita on public roads that the Secretary
12 determines to be appropriate.”;

13 (3) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) by striking “Not later than 1 year
16 after the Secretary has promulgated the
17 final rulemaking under subsection (c),
18 each” and inserting “Each”; and

19 (ii) by striking “and (6)” and insert-
20 ing “(6), and (7)”; and

21 (B) by adding at the end the following:

22 “(3) REGRESSIVE TARGETS.—

23 “(A) IN GENERAL.—A State may not es-
24 tablish a regressive target for the measures de-

1 scribed under paragraph (4) or paragraph (7)
2 of subsection (e).

3 “(B) REGRESSIVE TARGET DEFINED.—In
4 this paragraph, the term ‘regressive target’
5 means a target that fails to demonstrate con-
6 stant or improved performance for a particular
7 measure.”;

8 (4) in subsection (e)—

9 (A) by striking “Not later than 4 years
10 after the date of enactment of the MAP–21 and
11 biennially thereafter, a” and inserting “A”; and

12 (B) by inserting “biennial” after “the Sec-
13 retary a”; and

14 (5) by adding at the end the following:

15 “(f) TRANSPORTATION SYSTEM ACCESS.—

16 “(1) IN GENERAL.—The Secretary shall estab-
17 lish measures for States and metropolitan planning
18 organizations to use to assess the level of safe, reli-
19 able, and convenient transportation system access
20 to—

21 “(A) employment; and

22 “(B) services.

23 “(2) CONSIDERATIONS.—The measures estab-
24 lished pursuant to paragraph (1) shall include the

1 ability for States and metropolitan planning organi-
2 zations to assess—

3 “(A) the change in the level of transpor-
4 tation system access for various modes of trav-
5 el, including connection to other modes of
6 transportation, that would result from new
7 transportation investments;

8 “(B) the level of transportation system ac-
9 cess for economically disadvantaged commu-
10 nities, including to affordable housing; and

11 “(C) the extent to which transportation ac-
12 cess is impacted by zoning policies and land use
13 planning practices that effect the affordability,
14 elasticity, and diversity of the housing supply.

15 “(3) DEFINITION OF SERVICES.—In this sub-
16 section, the term ‘services’ includes healthcare facili-
17 ties, child care, education and workforce training,
18 food sources, banking and other financial institu-
19 tions, and other retail shopping establishments.”.

20 (b) METROPOLITAN TRANSPORTATION PLANNING.—
21 Section 134 of title 23, United States Code, is further
22 amended—

23 (1) in subsection (j)(2)(D)—

1 (A) by striking “PERFORMANCE TARGET
2 ACHIEVEMENT” and inserting “PERFORMANCE
3 MANAGEMENT”;

4 (B) by striking “The TIP” and inserting
5 the following:

6 “(i) IN GENERAL.—The TIP”; and

7 (C) by adding at the end the following:

8 “(ii) TRANSPORTATION MANAGEMENT
9 AREAS.—For metropolitan planning areas
10 that represent an urbanized area des-
11 ignated as a transportation management
12 area under subsection (k), the TIP shall
13 include—

14 “(I) a discussion of the antici-
15 pated effect of the TIP toward achiev-
16 ing the performance targets estab-
17 lished in the metropolitan transpor-
18 tation plan, linking investment prior-
19 ities to such performance targets; and

20 “(II) a description of how the
21 TIP would improve the overall level of
22 transportation system access, con-
23 sistent with section 150(f).”;

24 (2) in subsection (k)—

25 (A) in paragraph (3)(A)—

- 1 (i) by striking “shall address conges-
2 tion management” and inserting the fol-
3 lowing: “shall address—
4 “(i) congestion management”;
5 (ii) by striking the period at the end
6 and inserting “; and”; and
7 (iii) by adding at the end the fol-
8 lowing:
9 “(ii) the overall level of transportation
10 system access for various modes of travel
11 within the metropolitan planning area, in-
12 cluding the level of access for economically
13 disadvantaged communities, consistent
14 with section 150(f), that is based on a co-
15 operatively developed and implemented
16 metropolitan-wide strategy, assessing both
17 new and existing transportation facilities
18 eligible for funding under this title and
19 chapter 53 of title 49.”; and
20 (B) in paragraph (5)(B)—
21 (i) in clause (i) by striking “; and”
22 and inserting a semicolon;
23 (ii) in clause (ii) by striking the pe-
24 riod and inserting “; and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(iii) the TIP approved under clause
4 (ii) improves the level of transportation
5 system access, consistent with section
6 150(f).”; and

7 (3) in subsection (l)(2)—

8 (A) by striking “5 years after the date of
9 enactment of the MAP-21” and inserting “2
10 years after the date of enactment of the IN-
11 VEST in America Act, and every 2 years there-
12 after”;

13 (B) in subparagraph (C) by striking “and
14 whether metropolitan planning organizations
15 are developing meaningful performance targets;
16 and” and inserting a semicolon; and

17 (C) by striking subparagraph (D) and in-
18 serting the following:

19 “(D) a listing of all metropolitan planning
20 organizations that are establishing performance
21 targets and whether such performance targets
22 established by the metropolitan planning orga-
23 nization are meaningful or regressive (as de-
24 fined in section 150(d)(3)(B)); and

1 “(E) the progress of implementing the
2 measure established under section 150(f).”.

3 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
4 TATION PLANNING.—Section 135(g)(4) of title 23, United
5 States Code, is further amended—

6 (1) by striking “PERFORMANCE TARGET
7 ACHIEVEMENT” and inserting “PERFORMANCE
8 MANAGEMENT”;

9 (2) by striking “shall include, to the maximum
10 extent practicable, a discussion” and inserting the
11 following: “shall include—

12 “(A) a discussion”;

13 (3) by striking the period at the end and insert-
14 ing “; and”; and

15 (4) by adding at the end the following:

16 “(B) a consideration of how the STIP im-
17 pacts the overall level of transportation system
18 access, consistent with section 150(f).”.

19 (d) EFFECTIVE DATE.—The amendment made by
20 subsection (a)(3)(B) shall take effect 1 year before the
21 subsequent State target and reporting deadlines estab-
22 lished pursuant to section 150 of title 23, United States
23 Code.

24 (e) DEVELOPMENT OF GREENHOUSE GAS MEAS-
25 URE.—Not later than 1 year after the date of enactment

1 of this Act, the Secretary of Transportation shall issue
2 such regulations as are necessary to carry out paragraph
3 (7) of section 150(c) of title 23, United States Code, as
4 added by this Act.

5 (f) DEVELOPMENT OF TRANSPORTATION SYSTEM
6 ACCESS MEASURE.—

7 (1) ESTABLISHMENT.—Not later than 120 days
8 after the date of enactment of this Act, the Sec-
9 retary of Transportation shall establish a working
10 group to assess the provisions of paragraphs (1) and
11 (2) of section 150(f) and make recommendations re-
12 garding the establishment of measures for States
13 and metropolitan planning organizations to use to
14 assess the level of transportation system access for
15 various modes of travel, consistent with section
16 150(f) of title 23, United States Code.

17 (2) MEMBERS.—The working group established
18 pursuant to paragraph (1) shall include representa-
19 tives from—

20 (A) the Department of Transportation;

21 (B) State departments of transportation,
22 including representatives that specialize in pe-
23 destrian and bicycle safety;

24 (C) metropolitan planning organizations
25 representing transportation management areas

1 (as those terms are defined in section 134 of
2 title 23, United States Code);

3 (D) other metropolitan planning organiza-
4 tions or local governments;

5 (E) providers of public transportation;

6 (F) nonprofit entities related to transpor-
7 tation, including relevant safety groups;

8 (G) experts in the field of transportation
9 access data; and

10 (H) any other stakeholders, as determined
11 by the Secretary.

12 (3) REPORT.—

13 (A) SUBMISSION.—Not later than 1 year
14 after the establishment of the working group
15 pursuant to paragraph (1), the working group
16 shall submit to the Secretary a report of rec-
17 ommendations regarding the establishment of
18 measures for States and metropolitan planning
19 organizations to use to assess the level of trans-
20 portation system access, consistent with section
21 150(f) of title 23, United States Code.

22 (B) PUBLICATION.—Not later than 30
23 days after the date on which the Secretary re-
24 ceives the report under subparagraph (A), the
25 Secretary shall publish the report on a publicly

1 accessible website of the Department of Trans-
2 portation.

3 (4) RULEMAKING.—Not later than 2 years after
4 the date on which the Secretary receives the report
5 under paragraph (3), the Secretary shall issue such
6 regulations as are necessary to implement the re-
7 quirements of section 150(f) of title 23, United
8 States Code.

9 (5) TERMINATION.—The Secretary shall termi-
10 nate the working group established pursuant to
11 paragraph (1) on the date on which the regulation
12 issued pursuant to paragraph (4) takes effect.

13 (g) TRANSPORTATION SYSTEM ACCESS DATA.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date on which the Secretary of Transportation
16 establishes the measure required under section
17 150(f) of title 23, United States Code, the Secretary
18 shall develop or procure eligible transportation sys-
19 tem access data sets and analytical tools and make
20 such data sets and analytical tools available to State
21 departments of transportation and metropolitan
22 planning areas that represent transportation man-
23 agement areas.

1 (2) REQUIREMENTS.—An eligible transpor-
2 tation system access data set and analytical tool
3 shall have the following characteristics:

4 (A) The ability to quantify the level of
5 safe, reliable, and convenient transportation
6 system access to—

7 (i) employment;

8 (ii) services; and

9 (iii) connections to other modes of
10 transportation.

11 (B) The ability to quantify transportation
12 system access for various modes of travel, in-
13 cluding—

14 (i) driving;

15 (ii) public transportation;

16 (iii) walking (including conveyance for
17 persons with disabilities); and

18 (iv) cycling (including micromobility).

19 (C) The ability to disaggregate the level of
20 transportation system access by various trans-
21 portation modes by a variety of population cat-
22 egories, including—

23 (i) low-income populations;

24 (ii) minority populations;

25 (iii) age;

1 (iv) disability; and

2 (v) geographical location.

3 (D) The ability to assess the change in the
4 level of transportation system access that would
5 result from new transportation investments.

6 (3) CONSIDERATION.—An eligible transpor-
7 tation system access data set and analytical tool
8 shall take into consideration safe and connected net-
9 works for walking, cycling, and persons with disabil-
10 ities.

11 (h) DEFINITIONS.—In this section:

12 (1) TRANSPORTATION SYSTEM ACCESS.—The
13 term “transportation system access” has the mean-
14 ing given such term in section 101 of title 23,
15 United States Code.

16 (2) SERVICES.—The term “services” has the
17 meaning given such term in section 150(f) of title
18 23, United States Code.

19 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**
20 **ELING STUDY.**

21 (a) STUDY.—

22 (1) IN GENERAL.—The Secretary of Transpor-
23 tation shall conduct a study on transportation de-
24 mand data and modeling, including transportation
25 demand forecasting.

1 (2) CONTENTS.—In carrying out the study
2 under this section, the Secretary shall—

3 (A) collect observed transportation demand
4 data and transportation demand forecasts from
5 States and metropolitan planning organizations,
6 including data and forecasts on—

7 (i) traffic counts;

8 (ii) transportation mode share and
9 public transportation ridership; and

10 (iii) vehicle occupancy measures;

11 (B) compare the transportation demand
12 forecasts with the observed transportation de-
13 mand data gathered under subparagraph (A);
14 and

15 (C) use the information described in sub-
16 paragraphs (A) and (B) to—

17 (i) develop best practices and guid-
18 ance for States and metropolitan planning
19 organizations to use in forecasting trans-
20 portation demand for future investments in
21 transportation improvements;

22 (ii) evaluate the impact of transpor-
23 tation investments, including new roadway
24 capacity, on transportation behavior and
25 transportation demand, including public

1 transportation ridership, induced highway
2 transportation, and congestion;

3 (iii) support more accurate transpor-
4 tation demand forecasting by States and
5 metropolitan planning organizations;

6 (iv) enhance the capacity of States
7 and metropolitan planning organizations
8 to—

9 (I) forecast transportation de-
10 mand; and

11 (II) track observed transpor-
12 tation behavior responses, including
13 induced transportation, to changes in
14 transportation capacity, pricing, and
15 land use patterns; and

16 (v) develop transportation demand
17 management strategies to maximize the ef-
18 ficiency of the transportation system, im-
19 prove mobility, reduce congestion, and
20 lower vehicle emissions.

21 (3) COVERED ENTITIES.—In carrying out the
22 study under this section, the Secretary shall ensure
23 that data and forecasts described in paragraph
24 (2)(A) are collected from—

25 (A) States;

1 (B) metropolitan planning organizations
2 that serve an area with a population of 200,000
3 people or fewer; and

4 (C) metropolitan planning organizations
5 that serve an area with a population of over
6 200,000 people.

7 (4) WORKING WITH THE PRIVATE SECTOR.—In
8 carrying out this section, the Secretary may, and is
9 encouraged to, procure additional data as necessary
10 from university transportation centers, private sector
11 providers, and other entities as is needed and may
12 use funds authorized under section 503(b) of title
13 23, United States Code, for carrying out this para-
14 graph.

15 (b) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Secretary shall submit to
17 Congress a report containing the findings of the study
18 conducted under subsection (a).

19 (c) SECRETARIAL SUPPORT.—The Secretary shall
20 seek opportunities to support the transportation planning
21 processes under sections 134 and 135 of title 23, United
22 States Code, through the provision of data to States and
23 metropolitan planning organizations to improve the qual-
24 ity of transportation plans, models, and demand forecasts.

1 **SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
2 **PORTATION PLANS.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Secretary shall amend section
5 450.324(f)(11)(v) of title 23, Code of Federal Regulations,
6 to ensure that the outer years of a metropolitan transpor-
7 tation plan are defined as “beyond the first 4 years”.

8 **Subtitle E—Federal Lands, Tribes,**
9 **and Territories**

10 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
11 **GRAM.**

12 Section 165 of title 23, United States Code, is
13 amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1) by striking
16 “\$158,000,000” and inserting “\$210,000,000”;
17 and

18 (B) in paragraph (2) by striking
19 “\$42,000,000” and inserting “\$100,000,000”;

20 (2) in subsection (c)(6)(A)(iii) by striking “in
21 accordance with subsections (b) and (c) of section
22 129” and inserting “including such boats, facilities,
23 and approaches that are privately or majority-pri-
24 vately owned, provided that such boats, facilities,
25 and approaches provide a substantial public ben-
26 efit”; and

1 (3) by adding at the end the following:

2 “(d) PARTICIPATION OF TERRITORIES IN DISCRE-
3 TIONARY PROGRAMS.—For any program in which the Sec-
4 retary may allocate funds out of the Highway Trust Fund
5 (other than the Mass Transit Account) to a State at the
6 discretion of the Secretary, the Secretary may allocate
7 funds to one or more territory for any project or activity
8 that otherwise would be eligible under such program if
9 such project or activity was being carried out in a State.”.

10 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

11 Section 202 of title 23, United States Code, is
12 amended—

13 (1) in subsection (d)—

14 (A) in paragraph (1) by striking “improv-
15 ing deficient” and inserting “the construction
16 and reconstruction of”;

17 (B) in paragraph (2)—

18 (i) in subparagraph (A) by inserting
19 “construct,” after “project to”; and

20 (ii) in subparagraph (B)—

21 (I) by striking “deficient”; and

22 (II) by inserting “in poor condi-
23 tion” after “facility bridges”; and

24 (C) in paragraph (3)—

1 (i) in the heading by striking “ELIGI-
2 BLE BRIDGES” and inserting “ELIGIBILITY
3 FOR EXISTING BRIDGES”;

4 (ii) by striking “a bridge” and insert-
5 ing “an existing bridge”; and

6 (iii) in subparagraph (C) by striking
7 “structurally deficient or functionally obso-
8 lete” and inserting “in poor condition”;
9 and

10 (2) in subsection (e) by striking “for eligible
11 projects described in section 148(a)(4).” and insert-
12 ing the following: “for—

13 “(A) eligible projects described in section
14 148(a)(4);

15 “(B) projects to promote public awareness
16 and education concerning highway safety mat-
17 ters (including bicycle, all-terrain, motorcycle,
18 and pedestrian safety); or

19 “(C) projects to enforce highway safety
20 laws.”.

21 **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

22 (a) TRIBAL TRANSPORTATION PROGRAM.—Section
23 202 of title 23, United States Code, is amended—

24 (1) by redesignating subsection (f) as sub-
25 section (g); and

1 (2) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
4 Before making any distribution under subsection (b), the
5 Secretary shall set aside \$50,000,000 from the funds
6 made available under the tribal transportation program
7 for each fiscal year to carry out the Tribal High Priority
8 Projects program under section 1123 of MAP–21 (23
9 U.S.C. 202 note).”.

10 (b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
11 Section 1123 of MAP–21 (23 U.S.C. 202 note) is amend-
12 ed—

13 (1) in subsection (a)(1)(C) by striking “re-
14 quired by that section” and inserting “required
15 under such program”;

16 (2) in subsection (b)(1) by striking “use
17 amounts made available under subsection (h) to”;

18 (3) in subsection (d)—

19 (A) in paragraph (2) by inserting “, in
20 consultation with the Secretary of the Interior,”
21 after “The Secretary”; and

22 (B) in paragraph (3) by striking “of the
23 Interior” each place it appears;

24 (4) in subsection (f) by striking “\$1,000,000”
25 and inserting “\$5,000,000”;

1 (5) in subsection (g) by striking “and the Sec-
2 retary” and inserting “or the Secretary”; and

3 (6) by striking subsection (h) and inserting the
4 following:

5 “(h) ADMINISTRATION.—The funds made available to
6 carry out this section shall be administered in the same
7 manner as funds made available for the Tribal transpor-
8 tation program under section 202 of title 23, United
9 States Code.”.

10 **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

11 (a) IN GENERAL.—Section 203(a) of title 23, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 “(6) TRANSFER FOR HIGH-COMMUTER COR-
15 RIDORS.—

16 “(A) REQUEST.—If the head of a covered
17 agency determines that a high-commuter cor-
18 ridor requires additional investment, based on
19 the criteria described in subparagraph (D), the
20 head of a covered agency, with respect to such
21 corridor, shall submit to the State—

22 “(i) information on condition of pave-
23 ments and bridges;

24 “(ii) an estimate of the amounts need-
25 ed to bring such corridor into a state of

1 good repair, taking into consideration any
2 planned future investments; and

3 “(iii) at the discretion of the head of
4 a covered agency, a request that the State
5 transfer to the covered agency, under the
6 authority of section 132 or section 204, or
7 to the Federal Highway Administration,
8 under the authority of section 104, a por-
9 tion of such amounts necessary to address
10 the condition of the corridor.

11 “(B) STATE RESPONSE.—Not later than
12 45 days after the date of receipt of the request
13 described in subparagraph (A)(iii), the State
14 shall—

15 “(i) approve the request;

16 “(ii) deny the request and explain the
17 reasons for such denial; or

18 “(iii) request any additional informa-
19 tion necessary to take action on the re-
20 quest.

21 “(C) NOTIFICATION TO THE SEC-
22 RETARY.—The head of a covered agency shall
23 provide to the Secretary a copy of any request
24 described under subparagraph (A)(iii) and re-
25 sponse described under subparagraph (B).

1 “(D) CRITERIA.—In making a determina-
2 tion under subparagraph (A), the head of a cov-
3 ered agency, with respect to the corridor, shall
4 consider—

5 “(i) the condition of roads, bridges,
6 and tunnels; and

7 “(ii) the average annual daily traffic.

8 “(E) DEFINITIONS.—In this paragraph:

9 “(i) COVERED AGENCY.—The term
10 ‘covered agency’ means a Federal agency
11 eligible to receive funds under this section
12 or section, section 203, or section 204.

13 “(ii) HIGH-COMMUTER CORRIDOR.—
14 The term ‘high-commuter corridor’ means
15 a Federal lands transportation facility that
16 has average annual daily traffic of not less
17 than 20,000 vehicles.”.

18 (b) GAO STUDY REGARDING NPS MAINTENANCE.—

19 (1) STUDY.—The Comptroller General of the
20 United States shall study the National Park Service
21 maintenance prioritization of Federal lands trans-
22 portation facilities.

23 (2) CONTENTS.—At minimum, the study under
24 paragraph (1) shall examine—

1 (A) general administrative maintenance of
2 the National Park Service;

3 (B) how the National Park Service cur-
4 rently prioritizes maintenance of Federal facili-
5 ties covered under the Federal Lands Transpor-
6 tation Program;

7 (C) what kind of maintenance the National
8 Parkway Service is performing;

9 (D) to what degree does the National Park
10 Service prioritize high-commuter corridors; and

11 (E) how the National Park Service can
12 better service the needs of high commuter cor-
13 ridors.

14 (3) REPORT.—Not later than 1 year after the
15 date of enactment of this Act, the Comptroller Gen-
16 eral shall submit to the Committee on Transpor-
17 tation and Infrastructure of the House of Represent-
18 atives and the Committee on Environment and Pub-
19 lic Works of the Senate a report summarizing the
20 study and the results of such study, including rec-
21 ommendations for addressing the maintenance needs
22 and prioritization of high-commuter corridors.

23 (4) DEFINITION OF HIGH-COMMUTER COR-
24 RIDOR.—In this section, the term “high-commuter
25 corridor” means a Federal lands transportation fa-

1 cility that has average annual daily traffic of not less
2 than 20,000 vehicles.

3 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
4 **PROGRAM.**

5 (a) IN GENERAL.—Chapter 2 of title 23, United
6 States Code, is amended by inserting after section 207 the
7 following:

8 **“§ 208. Federal lands and Tribal major projects pro-**
9 **gram**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish a Federal lands and Tribal major projects program
12 (referred to in this section as the ‘program’) to provide
13 funding to construct, reconstruct, or rehabilitate critical
14 Federal lands and Tribal transportation infrastructure.

15 “(b) ELIGIBLE APPLICANTS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), entities eligible to receive funds under
18 sections 201, 202, 203, and 204 may apply for fund-
19 ing under the program.

20 “(2) SPECIAL RULE.—A State, county, or unit
21 of local government may only apply for funding
22 under the program if sponsored by an eligible Fed-
23 eral land management agency or Indian Tribe.

24 “(c) ELIGIBLE PROJECTS.—An eligible project under
25 the program shall be on a Federal lands transportation

1 facility, a Federal lands access transportation facility, or
2 a tribal transportation facility, except that such facility is
3 not required to be included in an inventory described in
4 section 202 or 203, and for which—

5 “(1) the project—

6 “(A) has completed the activities required
7 under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) which has been
9 demonstrated through—

10 “(i) a record of decision with respect
11 to the project;

12 “(ii) a finding that the project has no
13 significant impact; or

14 “(iii) a determination that the project
15 is categorically excluded; or

16 “(B) is reasonably expected to begin con-
17 struction not later than 18 months after the
18 date of obligation of funds for the project; and

19 “(2) the project has an estimated cost equal to
20 or exceeding—

21 “(A) \$12,500,000 if it is on a Federal
22 lands transportation facility or a Federal lands
23 access transportation facility; and

24 “(B) \$5,000,000 if it is on a Tribal trans-
25 portation facility.

1 “(d) ELIGIBLE ACTIVITIES.—Grant amounts re-
2 ceived for a project under this section may be used for—

3 “(1) development phase activities, including
4 planning, feasibility analysis, revenue forecasting,
5 environmental review, preliminary engineering and
6 design work, and other preconstruction activities;
7 and

8 “(2) construction, reconstruction, and rehabili-
9 tation activities.

10 “(e) APPLICATIONS.—Eligible applicants shall submit
11 to the Secretary an application at such time, in such form,
12 and containing such information as the Secretary may re-
13 quire.

14 “(f) PROJECT REQUIREMENTS.—The Secretary may
15 select a project to receive funds under the program only
16 if the Secretary determines that the project—

17 “(1) improves the condition of critical transpor-
18 tation facilities, including multimodal facilities;

19 “(2) cannot be easily and efficiently completed
20 with amounts made available under section 202,
21 203, or 204; and

22 “(3) is cost effective.

23 “(g) MERIT CRITERIA.—In making a grant under
24 this section, the Secretary shall consider whether the
25 project—

1 “(1) will generate state of good repair, resil-
2 ience, economic competitiveness, quality of life, mo-
3 bility, or safety benefits;

4 “(2) in the case of a project on a Federal lands
5 transportation facility or a Federal lands access
6 transportation facility, has costs matched by funds
7 that are not provided under this section or this title;
8 and

9 “(3) generates benefits for land owned by mul-
10 tiple Federal land management agencies or Indian
11 Tribes, or which spans multiple States.

12 “(h) EVALUATION AND RATING.—To evaluate appli-
13 cations, the Secretary shall—

14 “(1) determine whether a project meets the re-
15 quirements under subsection (f);

16 “(2) evaluate, through a discernable and trans-
17 parent methodology, how each application addresses
18 one or more merit criteria established under sub-
19 section (g);

20 “(3) assign a rating for each merit criteria for
21 each application; and

22 “(4) consider applications only on the basis of
23 such quality ratings and which meet the minimally
24 acceptable level for each of the merit criteria.

25 “(i) COST SHARE.—

1 “(1) FEDERAL LANDS PROJECTS.—

2 “(A) IN GENERAL.—Notwithstanding sec-
3 tion 120, the Federal share of the cost of a
4 project on a Federal lands transportation facil-
5 ity or a Federal lands access transportation fa-
6 cility shall be up to 90 percent.

7 “(B) NON-FEDERAL SHARE.—Notwith-
8 standing any other provision of law, any Fed-
9 eral funds may be used to pay the non-Federal
10 share of the cost of a project carried out under
11 this section.

12 “(2) TRIBAL PROJECTS.—The Federal share of
13 the cost of a project on a Tribal transportation facil-
14 ity shall be 100 percent.

15 “(j) USE OF FUNDS.—For each fiscal year, of the
16 amounts made available to carry out this section, not more
17 than 50 percent shall be used for eligible projects on Fed-
18 eral lands transportation facilities or Federal lands access
19 transportation facilities and Tribal transportation facili-
20 ties, respectively.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 2 of title 23, United States Code, is amended by insert-
23 ing after the item relating to section 207 the following
24 new item:

 “208. Federal lands and Tribal major projects program.”.

1 (c) REPEAL.—Section 1123 of the FAST Act (23
2 U.S.C. 201 note), and the item related to such section in
3 the table of contents under section 1(b) of such Act, are
4 repealed.

5 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

6 Section 102 of title 49, United States Code, is
7 amended—

8 (1) in subsection (e)(1)—

9 (A) by striking “6 Assistant” and inserting
10 “7 Assistant”;

11 (B) in subparagraph (C) by striking “;
12 and” and inserting a semicolon;

13 (C) by redesignating subparagraph (D) as
14 subparagraph (E); and

15 (D) by inserting after subparagraph (C)
16 the following:

17 “(D) an Assistant Secretary for Tribal
18 Government Affairs, who shall be appointed by
19 the President; and”;

20 (2) in subsection (f)—

21 (A) in the heading by striking “DEPUTY
22 ASSISTANT SECRETARY FOR TRIBAL GOVERN-
23 MENT AFFAIRS” and inserting “OFFICE OF
24 TRIBAL GOVERNMENT AFFAIRS”; and

1 (B) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) ESTABLISHMENT.—There is established in
4 the Department an Office of Tribal Government Af-
5 fairs, under the Assistant Secretary for Tribal Gov-
6 ernment Affairs, to—

7 “(A) oversee the Tribal transportation self-
8 governance program under section 207 of title
9 23;

10 “(B) plan, coordinate, and implement poli-
11 cies and programs serving Indian Tribes and
12 Tribal organizations;

13 “(C) coordinate Tribal transportation pro-
14 grams and activities in all offices and adminis-
15 trations of the Department;

16 “(D) provide technical assistance to Indian
17 Tribes and Tribal organizations; and

18 “(E) be a participant in any negotiated
19 rulemakings relating to, or having an impact
20 on, projects, programs, or funding associated
21 with the tribal transportation program under
22 section 202 of title 23.”.

1 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

2 (a) LAND MANAGEMENT AGENCIES AND TRIBAL
3 GOVERNMENTS.—Section 201 of title 23, United States
4 Code, is amended by adding at the end the following:

5 “(f) ALTERNATIVE CONTRACTING METHODS.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of law, the Secretary may use a con-
8 tracting method available to a State under this title
9 on behalf of—

10 “(A) a Federal land management agency,
11 with respect to any funds available pursuant to
12 section 203 or 204;

13 “(B) a Federal land management agency,
14 with respect to any funds available pursuant to
15 section 1535 of title 31 for any eligible use de-
16 scribed in sections 203(a)(1) and 204(a)(1) of
17 this title; or

18 “(C) a Tribal Government, with respect to
19 any funds available pursuant to section
20 202(b)(7)(D).

21 “(2) METHODS DESCRIBED.—The contracting
22 methods referred to in paragraph (1) shall include,
23 at a minimum—

24 “(A) project bundling;

25 “(B) bridge bundling;

26 “(C) design-build contracting;

1 “(D) 2-phase contracting;

2 “(E) long-term concession agreements; and

3 “(F) any method tested, or that could be
4 tested, under an experimental program relating
5 to contracting methods carried out by the Sec-
6 retary.

7 “(3) RULE OF CONSTRUCTION.—Nothing in
8 this subsection—

9 “(A) affects the application of the Federal
10 share for a project carried out with a con-
11 tracting method under this subsection; or

12 “(B) modifies the point of obligation of
13 Federal salaries and expenses.”.

14 (b) USE OF ALTERNATIVE CONTRACTING METH-
15 OD.—In carrying out the amendments made by this sec-
16 tion, the Secretary shall—

17 (1) in consultation with the applicable Federal
18 land management agencies, establish procedures that
19 are—

20 (A) applicable to each alternative con-
21 tracting method; and

22 (B) to the maximum extent practicable,
23 consistent with requirements for Federal pro-
24 curement transactions;

1 (2) solicit input on the use of each alternative
2 contracting method from any affected industry prior
3 to using such method; and

4 (3) analyze and prepare an evaluation of the
5 use of each alternative contracting method.

6 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

7 (a) IN GENERAL.—The Commissioner of the Bureau
8 of Reclamation may transfer ownership of a bridge that
9 is owned by the Bureau of Reclamation if—

10 (1) the ownership of the bridge is transferred to
11 a State with the concurrence of such State;

12 (2) the State to which ownership is transferred
13 agrees to operate and maintain the bridge;

14 (3) the transfer of ownership complies with all
15 applicable Federal requirements, including—

16 (A) section 138 of title 23, United States
17 Code;

18 (B) section 306108 of title 54, United
19 States Code; and

20 (C) the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321 et seq.); and

22 (4) the Bureau of Reclamation and the State to
23 which ownership is being transferred jointly notify
24 the Secretary of Transportation of the intent to con-
25 duct a transfer prior to such transfer.

1 (b) ACCESS.—In a transfer of ownership of a bridge
2 under this section, the Commissioner of the Bureau of
3 Reclamation—

4 (1) shall not be required to transfer ownership
5 of the land on which the bridge is located or any ad-
6 jacent lands; and

7 (2) shall make arrangements with the State to
8 which ownership is being transferred to allow for
9 adequate access to such bridge, including for the
10 purposes of construction, maintenance, and bridge
11 inspections pursuant to section 144 of title 23,
12 United States Code.

13 **SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO IN-**
14 **DIAN TRIBES.**

15 Not later than January 31 of each year, the Sec-
16 retary of Transportation shall submit to the Committee
17 on Transportation and Infrastructure of the House of
18 Representatives and the Committee on Environment and
19 Public Works of the Senate a report that—

20 (1) identifies the number of Indian Tribes that
21 were direct recipients of funds under any discre-
22 tionary Federal highway, transit, or highway safety
23 program in the prior fiscal year;

24 (2) lists the total amount of such funds made
25 available directly to such Tribes;

1 (3) identifies the number and location of Indian
2 Tribes that were indirect recipients of funds under
3 any formula-based Federal highway, transit, or high-
4 way safety program in the prior fiscal year; and

5 (4) lists the total amount of such funds made
6 available indirectly to such tribes through states or
7 other direct recipients of Federal highway, transit or
8 highway safety funding.

9 **SEC. 1510. GAO STUDY.**

10 (a) IN GENERAL.—The Comptroller General of the
11 United States shall conduct a study on the deferred main-
12 tenance of United States forest roads, including—

13 (1) the current backlog;

14 (2) the current actions on such maintenance
15 and backlog;

16 (3) the impacts of public safety due to such de-
17 ferred maintenance; and

18 (4) recommendations for Congress on ways to
19 address such backlog.

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Comptroller General of the
22 United States shall submit to the Committee on Transpor-
23 tation and Infrastructure of the House of Representatives
24 and the Committee on Environment and Public Works of

1 the Senate a report containing the results of the study
2 conducted under subsection (a).

3 **Subtitle F—Additional Provisions**

4 **SEC. 1601. VISION ZERO.**

5 (a) IN GENERAL.—A local government, metropolitan
6 planning organization, or regional transportation planning
7 organization may develop and implement a vision zero
8 plan to significantly reduce or eliminate transportation-re-
9 lated fatalities and serious injuries within a specified time-
10 frame, not to exceed 20 years.

11 (b) USE OF FUNDS.—Amounts apportioned to a
12 State under paragraph (2) or (3) of section 104(b) of title
13 23, United States Code, may be used to carry out a vision
14 zero plan under this section.

15 (c) CONTENTS OF PLAN.—A vision zero plan under
16 this section shall include—

17 (1) a description of programs, strategies, or
18 policies intended to significantly reduce or eliminate
19 transportation-related fatalities and serious injuries
20 within a specified timeframe, not to exceed 20 years,
21 that is consistent with a State strategic highway
22 safety plan and uses existing transportation data
23 and consideration of risk factors;

1 (2) plans for implementation of, education of
2 the public about, and enforcement of such programs,
3 strategies, or policies;

4 (3) a description of how such programs, strate-
5 gies, or policies, and the enforcement of such pro-
6 grams, strategies, or policies will—

7 (A) equitably invest in the safety needs of
8 low-income and minority communities;

9 (B) ensure that such communities are not
10 disproportionately targeted by law enforcement;
11 and

12 (C) protect the rights of members of such
13 communities with respect to title VI of the Civil
14 Rights Act of 1964 (42 U.S.C. 2000d et seq.);
15 and

16 (4) a description of a mechanism to evaluate
17 progress of the development and implementation of
18 the plan, including the gathering and use of trans-
19 portation safety and demographic data.

20 (d) INCLUSIONS.—A vision zero plan may include a
21 complete streets prioritization plan that identifies a spe-
22 cific list of projects to—

23 (1) create a connected network of active trans-
24 portation facilities, including sidewalks, bikeways, or
25 pedestrian and bicycle trails, to connect communities

1 and provide safe, reliable, affordable, and convenient
2 access to employment, housing, and services, con-
3 sistent with the goals described in section 150(b) of
4 title 23, United States Code;

5 (2) integrate active transportation facilities with
6 public transportation service or improve access to
7 public transportation; and

8 (3) improve transportation options for low-in-
9 come and minority communities.

10 (e) COORDINATION.—A vision zero plan under this
11 section shall provide for coordination of various subdivi-
12 sions of a unit of local government in the implementation
13 of the plan, including subdivisions responsible for law en-
14 forcement, public health, data collection, and public works.

15 (f) SAFETY PERFORMANCE MANAGEMENT.—A vision
16 zero plan under this section is not sufficient to dem-
17 onstrate compliance with the safety performance or plan-
18 ning requirements of section 148 or 150 of title 23, United
19 States Code.

20 **SEC. 1602. SPEED LIMITS.**

21 (a) SPEED LIMITS.—The Secretary of Transpor-
22 tation shall revise the Manual on Uniform Traffic Control
23 Devices to provide for a safe system approach to setting
24 speed limits, consistent with the safety recommendations

1 issued by the National Transportation Safety Board on
2 August 15, 2017, numbered H–17–27 and H–17–028.

3 (b) CONSIDERATIONS.—In carrying out subpara-
4 graph (A), the Secretary shall consider—

5 (1) crash statistics;

6 (2) road geometry characteristics;

7 (3) roadside characteristics;

8 (4) traffic volume;

9 (5) the possibility and likelihood of human
10 error;

11 (6) human injury tolerance;

12 (7) the prevalence of vulnerable road users; and

13 (8) any other consideration, consistent with a
14 safe system approach, as determined by the Sec-
15 retary.

16 (c) REPORT ON SPEED MANAGEMENT PROGRAM
17 PLAN.—Not later than 1 year after the date of enactment
18 of this Act, the Secretary shall update and report on the
19 implementation progress of the Speed Management Pro-
20 gram Plan of the Department of Transportation, as de-
21 scribed in the safety recommendation issued by the Na-
22 tional Transportation Safety Board on August 15, 2017,
23 numbered H–17–018.

24 (d) DEFINITIONS.—In this section, the terms “safe
25 system approach” and “vulnerable road user” have the

1 meanings given such terms in section 148(a) of title 23,
2 United States Code.

3 **SEC. 1603. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE STATE AGENCY.—The term
6 “appropriate State agency” means a State govern-
7 mental agency that is recognized by the executive
8 branch of the State as having the experience nec-
9 essary to evaluate and facilitate the installation and
10 operation of broadband infrastructure within the
11 State.

12 (2) BROADBAND.—The term “broadband” has
13 the meaning given the term “advanced telecommuni-
14 cations capability” in section 706 of the Tele-
15 communications Act of 1996 (47 U.S.C. 1302).

16 (3) BROADBAND CONDUIT.—The term
17 “broadband conduit” means a conduit or innerduct
18 for fiber optic cables (or successor technology of
19 greater quality and speed) that supports the provi-
20 sion of broadband.

21 (4) BROADBAND INFRASTRUCTURE.—The term
22 “broadband infrastructure” means any buried or un-
23 derground facility and any wireless or wireline con-
24 nection that enables the provision of broadband.

1 (5) BROADBAND PROVIDER.—The term
2 “broadband provider” means an entity that provides
3 broadband to any person or facilitates provision of
4 broadband to any person, including, with respect to
5 such entity—

6 (A) a corporation, company, association,
7 firm, partnership, nonprofit organization, or
8 any other private entity;

9 (B) a State or local broadband provider;

10 (C) an Indian Tribe; and

11 (D) a partnership between any of the enti-
12 ties described in subparagraphs (A), (B), and
13 (C).

14 (6) COVERED HIGHWAY CONSTRUCTION
15 PROJECT.—

16 (A) IN GENERAL.—The term “covered
17 highway construction project” means, without
18 regard to ownership of a highway, a project to
19 construct a new highway or an additional lane
20 for an existing highway, to reconstruct an exist-
21 ing highway, or new construction, including for
22 a paved shoulder.

23 (B) EXCLUSIONS.—The term “covered
24 highway construction project” excludes any
25 project—

1 (i) awarded before the date on which
2 regulations required under subsection (b)
3 take effect;

4 (ii) that does not include work beyond
5 the edge of pavement or current paved
6 shoulder; or

7 (iii) that does not require excavation.

8 (7) DIG ONCE REQUIREMENT.—The term “dig
9 once requirement” means a requirement designed to
10 reduce the cost and accelerate the deployment to
11 broadband by minimizing the number and scale of
12 repeated excavations for the installation and mainte-
13 nance of broadband conduit or broadband infrastruc-
14 ture in rights-of-way.

15 (8) INDIAN TRIBE.—The term “Indian Tribe”
16 has the meaning given such term in section 4(e) of
17 the Indian Self-Determination and Education Assist-
18 ance Act (25 U.S.C. 5304(e)).

19 (9) NTIA ADMINISTRATOR.—The term “NTIA
20 Administrator” means the Assistant Secretary of
21 Commerce for Communications and Information.

22 (10) PROJECT.—The term “project” has the
23 meaning given such term in section 101 of title 23,
24 United States Code.

1 (11) SECRETARY.—The term “Secretary”
2 means the Secretary of Transportation.

3 (12) STATE.—The term “State” has the mean-
4 ing given such term in section 401 of title 23,
5 United States Code.

6 (13) STATE OR LOCAL BROADBAND PRO-
7 VIDER.—The term “State or local broadband pro-
8 vider” means a State or political subdivision thereof,
9 or any agency, authority, or instrumentality of a
10 State or political subdivision thereof, that provides
11 broadband to any person or facilitates the provision
12 of broadband to any person in that State.

13 (14) TRIBAL GOVERNMENT.—The term “Tribal
14 government” means the recognized governing body
15 of an Indian Tribe or any agency, authority, or in-
16 strumentality of such governing body or such Indian
17 Tribe.

18 (b) DIG ONCE REQUIREMENT.—To facilitate the in-
19 stallation of broadband infrastructure, the Secretary shall,
20 not later than 9 months after the date of enactment of
21 this Act, promulgate regulations to ensure that each State
22 that receives funds under chapter 1 of title 23, United
23 States Code, meets the following requirements:

1 (1) BROADBAND PLANNING.—The State depart-
2 ment of transportation, in consultation with appro-
3 priate State agencies, shall—

4 (A) identify a broadband coordinator, who
5 may have additional responsibilities in the State
6 department of transportation or in another
7 State agency, that is responsible for facilitating
8 the broadband infrastructure right-of-way ef-
9 forts within the State; and

10 (B) review existing State broadband plans,
11 including existing dig once requirements of the
12 State, municipal governments incorporated
13 under State law, and Tribal governments within
14 the State, to determine opportunities to coordi-
15 nate projects occurring within or across high-
16 way rights-of-way with planned broadband in-
17 frastructure projects.

18 (2) NOTICE OF PLANNED CONSTRUCTION FOR
19 BROADBAND PROVIDERS.—

20 (A) NOTICE.—The State department of
21 transportation, in consultation with appropriate
22 State agencies, shall establish a process—

23 (i) for the registration of broadband
24 providers that seek to be included in the
25 advance notification of, and opportunity to

1 participate in, broadband infrastructure
2 right-of-way facilitation efforts within the
3 State; and

4 (ii) to electronically notify all
5 broadband providers registered under
6 clause (i)—

7 (I) of the State transportation
8 improvement program on at least an
9 annual basis; and

10 (II) of projects within the high-
11 way right-of-way for which Federal
12 funding is expected to be obligated in
13 the subsequent fiscal year.

14 (B) WEBSITE.—A State department of
15 transportation shall be considered to meet the
16 requirements of subparagraph (A) if such State
17 department of transportation publishes on a
18 public website—

19 (i) the State transportation improve-
20 ment program on at least an annual basis;
21 and

22 (ii) projects within the highway right-
23 of-way for which Federal funding is ex-
24 pected to be obligated in the subsequent
25 fiscal year.

1 (C) COORDINATION.—The State depart-
2 ment of transportation, in consultation with ap-
3 propriate State agencies, shall establish a proc-
4 ess for a broadband provider to commit to in-
5 stalling broadband conduit or broadband infra-
6 structure as part of any project.

7 (3) REQUIRED INSTALLATION OF CONDUIT.—

8 (A) IN GENERAL.—The State department
9 of transportation shall install broadband con-
10 duit, in accordance with this paragraph, except
11 as described in subparagraph (F), as part of
12 any covered highway construction project, un-
13 less a broadband provider has committed to in-
14 stall broadband conduit or broadband infra-
15 structure as part of such project in a process
16 described under paragraph (2)(C).

17 (B) INSTALLATION REQUIREMENTS.—The
18 State department of transportation shall ensure
19 that—

20 (i) an appropriate number of
21 broadband conduits, as determined in con-
22 sultation with the appropriate State agen-
23 cies, are installed along the highway of a
24 covered highway construction project to ac-
25 commodate multiple broadband providers,

1 with consideration given to the availability
2 of existing conduits;

3 (ii) the size of each such conduit is
4 consistent with industry best practices and
5 is sufficient to accommodate potential de-
6 mand, as determined in consultation with
7 the appropriate State agencies;

8 (iii) hand holes and manholes nec-
9 essary for fiber access and pulling with re-
10 spect to such conduit are placed at inter-
11 vals consistent with standards determined
12 in consultation with the appropriate State
13 agencies (which may differ by type of road,
14 topologies, and rurality) and consistent
15 with safety requirements;

16 (iv) each broadband conduit installed
17 pursuant to this paragraph includes a pull
18 tape and is capable of supporting fiber
19 optic cable placement techniques consistent
20 with best practices; and

21 (v) is placed at a depth consistent
22 with requirements of the covered highway
23 construction project and best practices and
24 that, in determining the depth of place-
25 ment, consideration is given to the location

1 of existing utilities and cable separation re-
2 quirements of State and local electrical
3 codes.

4 (C) GUIDANCE FOR THE INSTALLATION OF
5 BROADBAND CONDUIT.—The Secretary, in con-
6 sultation with the NTIA Administrator, shall
7 issue guidance for best practices related to the
8 installation of broadband conduit as described
9 in this paragraph and of conduit and similar in-
10 frastructure for intelligent transportation sys-
11 tems (as such term is defined in section 501 of
12 title 23, United States Code) that may utilize
13 broadband conduit installed pursuant to this
14 paragraph.

15 (D) ACCESS.—

16 (i) IN GENERAL.—The State depart-
17 ment of transportation shall ensure that
18 any requesting broadband provider has ac-
19 cess to each broadband conduit installed
20 pursuant to this paragraph, on a competi-
21 tively neutral and nondiscriminatory basis,
22 and in accordance with State permitting,
23 licensing, leasing, or other similar laws and
24 regulations.

1 (ii) FEE SCHEDULE.—The State de-
2 partment of transportation, in consultation
3 with appropriate State agencies, shall pub-
4 lish a fee schedule for a broadband pro-
5 vider to access conduit installed pursuant
6 to this paragraph. Fees in such schedule—

7 (I) shall be consistent with the
8 fees established pursuant to section
9 224 of the Communications Act of
10 1934 (47 U.S.C. 224);

11 (II) may vary by topography, lo-
12 cation, type of road, rurality, and
13 other factors in the determination of
14 the State; and

15 (III) may be updated not more
16 frequently than annually.

17 (iii) IN-KIND COMPENSATION.—The
18 State department of transportation may
19 negotiate in-kind compensation with any
20 broadband provider requesting access to
21 broadband conduit installed under the pro-
22 visions of this paragraph as a replacement
23 for part or all of, but not to exceed, the
24 relevant fee in the fee schedule described
25 in clause (ii).

1 (iv) SAFETY CONSIDERATIONS.—The
2 State department of transportation shall
3 require of broadband providers a process
4 for safe access to the highway right-of-way
5 during installation and on-going mainte-
6 nance of the broadband fiber optic cables
7 including a traffic control safety plan.

8 (v) COMMUNICATION.—A broadband
9 provider with access to the conduit in-
10 stalled pursuant to this subsection shall
11 notify and receive permission from the rel-
12 evant agencies of State responsible for the
13 installation of such broadband conduit
14 prior to accessing any highway or highway
15 right-of-way, in accordance with applicable
16 Federal requirements.

17 (E) TREATMENT OF PROJECTS.—Notwith-
18 standing any other provision of law, broadband
19 conduit and broadband infrastructure installa-
20 tion projects under this paragraph shall comply
21 with section 113(a) of title 23, United States
22 Code.

23 (F) WAIVER AUTHORITY.—

24 (i) IN GENERAL.—A State department
25 of transportation may waive the required

1 installation of broadband conduit for part
2 or all of any covered highway construction
3 project under this paragraph if, in the de-
4 termination of the State—

5 (I) broadband infrastructure, ter-
6 restrial broadband infrastructure, aer-
7 ial broadband fiber cables, or
8 broadband conduit is present near a
9 majority of the length of the covered
10 highway construction project;

11 (II) the installation of conduit in-
12 creases overall costs of a covered high-
13 way construction project by 1.5 per-
14 cent or greater;

15 (III) the installation of
16 broadband conduit associated with
17 covered highway construction project
18 will not be utilized or connected to fu-
19 ture broadband infrastructure in the
20 next 20 years, in the determination of
21 the State department of transpor-
22 tation, in consultation with appro-
23 priate State agencies and potentially
24 affected local governments and Tribal
25 governments;

1 (IV) the requirements of this
2 paragraph would require installation
3 of conduit redundant with a dig once
4 requirement of a local or Tribal gov-
5 ernment;

6 (V) there exists a circumstance
7 involving force majeure; or

8 (VI) other relevant factors, as de-
9 termined by the Secretary in consulta-
10 tion with the NTIA Administrator
11 through regulation, warrant a waiver.

12 (ii) CONTENTS OF WAIVER.—A waiver
13 authorized under this subparagraph
14 shall—

15 (I) identify the covered highway
16 construction project; and

17 (II) include a brief description of
18 the determination of the State for
19 issuing such waiver.

20 (iii) AVAILABILITY OF WAIVER.—A
21 waiver authorized under this subparagraph
22 shall be included in the plans, specifica-
23 tions, and estimates for the associated
24 project, as long as such info is publicly
25 available.

1 (4) PRIORITY.—If a State provides for the in-
2 stallation of broadband infrastructure or broadband
3 conduit in the right-of-way of an applicable project
4 under this subsection, the State department of
5 transportation, along with appropriate State agen-
6 cies, shall carry out appropriate measures to ensure
7 that any existing broadband providers are afforded
8 equal opportunity access, as compared to other
9 broadband providers, with respect to the program
10 under this subsection.

11 (5) CONSULTATION.—

12 (A) IN GENERAL.—In promulgating regu-
13 lations required by this subsection or to imple-
14 ment any part of this section, the Secretary
15 shall consult—

16 (i) the NTIA Administrator;

17 (ii) the Federal Communications Com-
18 mission;

19 (iii) State departments of transpor-
20 tation;

21 (iv) appropriate State agencies;

22 (v) agencies of local governments re-
23 sponsible for transportation and rights-of-
24 way, utilities, and telecommunications and
25 broadband;

- 1 (vi) Tribal governments;
2 (vii) broadband providers; and
3 (viii) manufacturers of optical fiber,
4 conduit, pull tape, and related items.

5 (B) BROADBAND USERS.—The Secretary
6 shall ensure that the entities consulted under
7 clauses (iii) through (vi) of subparagraph (A)
8 include rural areas and populations with limited
9 access to broadband infrastructure.

10 (C) BROADBAND PROVIDERS.—The Sec-
11 retary shall ensure that the entities consulted
12 under clause (vii) of subparagraph (A) include
13 entities who provide broadband to rural areas
14 and populations with limited access to
15 broadband infrastructure.

16 (6) PROHIBITION ON UNFUNDED MANDATE.—

17 (A) IN GENERAL.—This subsection shall
18 apply only to projects for which Federal obliga-
19 tions or expenditures are initially approved on
20 or after the date regulations required under this
21 subsection take effect.

22 (B) NO MANDATE.—Absent an available
23 and dedicated Federal source of funding—

24 (i) nothing in this subsection estab-
25 lishes a mandate or requirement that a

1 State install broadband conduit in a high-
2 way right-of-way; and

3 (ii) nothing in paragraph (3) shall es-
4 tablish any requirement for a State.

5 (7) RULES OF CONSTRUCTION.—

6 (A) STATE LAW.—Nothing in this sub-
7 section shall be construed to require a State to
8 install or allow the installation of broadband
9 conduit or broadband infrastructure—

10 (i) that is otherwise inconsistent with
11 what is allowable under State law; or

12 (ii) where the State lacks the author-
13 ity or property easement necessary for
14 such installation.

15 (B) NO REQUIREMENT FOR INSTALLATION
16 OF MOBILE SERVICES EQUIPMENT.—Nothing in
17 this section shall be construed to require a
18 State, a municipal government incorporated
19 under State law, or an Indian Tribe to install
20 or allow for the installation of equipment essen-
21 tial for the provision of commercial mobile serv-
22 ices (as defined in section 332(d) of the Com-
23 munications Act of 1934 (47 U.S.C. 332(d)))
24 or commercial mobile data service (as defined in
25 section 6001 of the Middle Class Tax Relief

1 and Job Creation Act of 2012 (47 U.S.C.
2 1401)), other than broadband conduit and asso-
3 ciated equipment described in paragraph
4 (3)(B).

5 (c) RELATION TO STATE DIG ONCE REQUIRE-
6 MENTS.—Nothing in subsection (b) or any regulations
7 promulgated under subsection (b) shall be construed to
8 alter or supersede any provision of a State law or regula-
9 tion that provides for a dig once requirement that includes
10 similar or more stringent requirements to the provisions
11 of subsection (b) and any regulations promulgated under
12 subsection (b).

13 (d) DIG ONCE FUNDING TASK FORCE.—

14 (1) ESTABLISHMENT.—There is established an
15 independent task force on funding the nationwide
16 dig once requirement described in this section to be
17 known as the “Dig Once Funding Task Force”
18 (hereinafter referred to as the “Task Force”).

19 (2) DUTIES.—The duties of the Task Force
20 shall be to—

21 (A) estimate the annual cost for imple-
22 menting and administering a nationwide dig
23 once requirement; and

1 (B) propose and evaluate options for fund-
2 ing a nationwide dig once requirement described
3 in this section that includes—

4 (i) a discussion of the role and poten-
5 tial share of costs of—

6 (I) the Federal Government;

7 (II) State, local, and Tribal gov-
8 ernments; and

9 (III) broadband providers; and

10 (ii) consideration of the role of exist-
11 ing dig once requirements of State, local,
12 and Tribal governments and private
13 broadband investment, with a goal to not
14 discourage or disincentivize such dig once
15 requirements or such investment.

16 (3) REPORTS.—

17 (A) INTERIM REPORT AND BRIEFING.—

18 Not later than 9 months after the date of en-
19 actment of this Act, the Task Force shall sub-
20 mit an interim report to Congress and provide
21 briefings for Congress on the findings of the
22 Task Force.

23 (B) FINAL REPORT.—Not later than 12
24 months after the date of enactment of this Act,

1 the Task Force shall submit a final report to
2 Congress on the findings of the Task Force.

3 (4) MEMBERS.—

4 (A) APPOINTMENTS.—The Task Force
5 shall consist of 14 members, consisting of—

6 (i) the 2 co-chairs described in sub-
7 paragraph (B);

8 (ii) 6 members jointly appointed by
9 the Speaker and minority leader of the
10 House of Representatives, in consultation
11 with the respective Chairs and Ranking
12 Members of the—

13 (I) the Committee on Transpor-
14 tation and Infrastructure of the
15 House of Representatives;

16 (II) the Committee on Energy
17 and Commerce of the House of Rep-
18 resentatives; and

19 (III) the Committee on Appro-
20 priations of the House of Representa-
21 tives; and

22 (iii) 6 members jointly appointed by
23 the majority leader and minority leader of
24 the Senate, in consultation with the respec-
25 tive Chairs and Ranking Members of the—

1 (I) the Committee on Environ-
2 ment and Public Works of the Senate;

3 (II) the Committee on Com-
4 merce, Science, and Transportation of
5 the Senate; and

6 (III) the Committee on Appro-
7 priations of the Senate.

8 (B) CO-CHAIRS.—The Task Force shall be
9 co-chaired by the Secretary and the NTIA Ad-
10 ministrator, or their designees.

11 (C) COMPOSITION.—The Task Force shall
12 include at least—

13 (i) 1 representative from a State de-
14 partment of transportation;

15 (ii) 1 representative from a local gov-
16 ernment;

17 (iii) 1 representative from a Tribal
18 government;

19 (iv) 1 representative from a
20 broadband provider;

21 (v) 1 representative from a State or
22 local broadband provider;

23 (vi) 1 representative from a labor
24 union; and

1 (vii) 1 representative from a public in-
2 terest organization.

3 (D) APPOINTMENT DEADLINE.—Members
4 shall be appointed to the Task Force not later
5 than 60 days after the date of enactment of
6 this Act.

7 (E) EFFECT OF LACK OF APPOINTMENT
8 BY APPOINTMENT DATE.—If 1 or more appoint-
9 ments required under subparagraph (A) is not
10 made by the appointment date specified in sub-
11 paragraph (D), the authority to make such ap-
12 pointment or appointments shall expire and the
13 number of members of the Task Force shall be
14 reduced by the number equal to the number of
15 appointments so expired.

16 (F) TERMS.—Members shall be appointed
17 for the life of the Task Force. A vacancy in the
18 Task Force shall not affect its powers and shall
19 be filled in the same manner as the initial ap-
20 pointment was made.

21 (5) CONSULTATIONS.—In carrying out the du-
22 ties required under this subsection, the Task Force
23 shall consult, at a minimum—

24 (A) the Federal Communications Commis-
25 sion;

- 1 (B) agencies of States including—
- 2 (i) State departments of transpor-
- 3 tation; and
- 4 (ii) appropriate State agencies;
- 5 (C) agencies of local governments respon-
- 6 sible for transportation and rights of way, utili-
- 7 ties, and telecommunications and broadband;
- 8 (D) Tribal governments;
- 9 (E) broadband providers and other tele-
- 10 communications providers;
- 11 (F) labor unions; and
- 12 (G) State or local broadband providers and
- 13 Tribal governments that act as broadband pro-
- 14 viders.

15 (6) ADDITIONAL PROVISIONS.—

16 (A) EXPENSES FOR NON-FEDERAL MEM-

17 BERS.—Non-Federal members of the Task

18 Force shall be allowed travel expenses, includ-

19 ing per diem in lieu of subsistence, at rates au-

20 thorized for employees under subchapter I of

21 chapter 57 of title 5, United States Code, while

22 away from their homes or regular places of

23 business in the performance of services for the

24 Task Force.

1 (B) STAFF.—Staff of the Task Force shall
2 comprise detailees with relevant expertise from
3 the Department of Transportation and the Na-
4 tional Telecommunications and Information Ad-
5 ministration, or another Federal agency the co-
6 chairpersons consider appropriate, with the con-
7 sent of the head of the Federal agency, and
8 such detailee shall retain the rights, status, and
9 privileges of his or her regular employment
10 without interruption.

11 (C) ADMINISTRATIVE ASSISTANCE.—The
12 Secretary and NTIA Administrator shall pro-
13 vide to the Task Force on a reimbursable basis
14 administrative support and other services for
15 the performance of the functions of the Task
16 Force.

17 (7) TERMINATION.—The Task Force shall ter-
18 minate not later than 90 days after issuance of the
19 final report required under paragraph (3)(B).

20 **SEC. 1604. BALANCE EXCHANGES FOR INFRASTRUCTURE**
21 **PROGRAM.**

22 (a) IN GENERAL.—Chapter 1 of title 23, United
23 States Code, is further amended by adding at the end the
24 following:

1 **“§ 174. Balance Exchanges for Infrastructure Pro-**
2 **gram**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ADMINISTRATIVELY ALLOCATED.—The
5 term ‘administratively allocated’ means the alloca-
6 tion by the Secretary of budget authority for a
7 project under the TIFIA program that occurs
8 when—

9 “(A) a potential applicant has been invited
10 into the creditworthiness phase for a project
11 under the TIFIA program; or

12 “(B) the project is subject to a master
13 credit agreement (as defined in section 601(a)),
14 in accordance with section 602(b)(2).

15 “(2) APPALACHIAN STATE.—The term ‘Appa-
16 lachian State’ means a State that contains 1 or
17 more counties in the Appalachian region (as defined
18 in section 14102(a) of title 40).

19 “(3) PROGRAM.—The term ‘program’ means
20 the Balance Exchanges for Infrastructure Program
21 established under subsection (b).

22 “(4) TIFIA CARRYOVER BALANCE.—

23 “(A) IN GENERAL.—The term ‘TIFIA car-
24 ryover balance’ means the amounts made avail-
25 able for the TIFIA program for previous fiscal

1 years that are unobligated and have not been
2 administratively allocated.

3 “(B) INCLUSION.—The term ‘TIFIA car-
4 ryover balance’ includes—

5 “(i) the applicable amount of contract
6 authority for the amounts described in
7 subparagraph (A); and

8 “(ii) the equivalent amount of obliga-
9 tion limitation for the fiscal year in which
10 the Secretary makes a transfer under sub-
11 section (f)(2).

12 “(5) TIFIA PROGRAM.—The term ‘TIFIA pro-
13 gram’ has the meaning given the term in section
14 601(a).

15 “(b) ESTABLISHMENT.—The Secretary shall estab-
16 lish a program, to be known as the ‘Balance Exchanges
17 for Infrastructure Program’, in accordance with this sec-
18 tion to provide flexibility for the Secretary and States to
19 improve highway infrastructure.

20 “(c) OFFER TO FUND PROJECTS OR EXCHANGE
21 FUNDS.—

22 “(1) SOLICITATION.—For each fiscal year for
23 which an amount is reserved under subsection (f)(1),
24 the Secretary shall—

1 “(A) not later than December 1 of that fis-
2 cal year—

3 “(i) solicit requests from Appalachian
4 States to return amounts under subsection
5 (d)(1)(A); and

6 “(ii) solicit applications from Appa-
7 lachian States for grants under subsection
8 (e); and

9 “(B) require that, not later than 60 days
10 after the date of the solicitations under sub-
11 paragraph (A), each Appalachian State that
12 elects to participate in the program shall submit
13 to the Secretary either—

14 “(i) a request that describes the
15 amount that the Appalachian State re-
16 quests to return under subsection
17 (d)(1)(A); or

18 “(ii) an application for a grant under
19 subsection (e).

20 “(d) EXCHANGE AGREEMENTS.—

21 “(1) IN GENERAL.—The Secretary shall enter
22 into an agreement with each Appalachian State that
23 submits a request under subsection (c)(1)(A)(i)
24 under which—

1 “(A) the Appalachian State shall return to
2 the Secretary all, or at the discretion of the Ap-
3 palachian State, a portion of, the unobligated
4 amounts from the Highway Trust Fund (in-
5 cluding the applicable amount of contract au-
6 thority and an equal amount of special no-year
7 obligation limitation associated with that con-
8 tract authority) apportioned to the Appalachian
9 State for the Appalachian development highway
10 system under section 14501 of title 40 (but not
11 including any amounts made available by an ap-
12 propriations Act without an initial authoriza-
13 tion); and

14 “(B) the Secretary shall transfer to the
15 Appalachian State, from amounts transferred to
16 the program under subsection (f)(2) for that
17 fiscal year, an amount (including the applicable
18 amount of contract authority and an equal
19 amount of annual obligation limitation) equal to
20 the amount that the Appalachian State re-
21 turned under subparagraph (A) that shall be
22 used to carry out projects described in para-
23 graph (3).

24 “(2) STATE LIMITATION.—The amount of con-
25 tract authority returned by an Appalachian State

1 under paragraph (1)(A) may not exceed the amount
2 of the special no-year obligation limitation available
3 to the Appalachian State prior to the return of the
4 special no-year obligation limitation under that para-
5 graph.

6 “(3) ELIGIBLE PROJECTS.—

7 “(A) IN GENERAL.—A project eligible to
8 be carried out using funds transferred to an
9 Appalachian State under paragraph (1)(B) is a
10 project described in subsections (b) and (c) of
11 section 133.

12 “(B) FEDERAL SHARE.—The Federal
13 share of the cost of a project carried out using
14 funds transferred to an Appalachian State
15 under paragraph (1)(B) shall be up to 100 per-
16 cent, at the discretion of the Appalachian State.

17 “(C) APPLICATION OF SECTION 133.—Ex-
18 cept as otherwise provided in this paragraph,
19 section 133 shall not apply to a project carried
20 out using funds transferred to an Appalachian
21 State under paragraph (1)(B).

22 “(4) TOTAL LIMITATION.—For each fiscal year,
23 the total amount exchanged under paragraph (1)
24 shall not exceed the amount available to be trans-
25 ferred to the program under subsection (f).

1 “(5) AMOUNTS EXCHANGED.—For each fiscal
2 year, if the total amount requested by all Appa-
3 lachian States to return under paragraph (1)(A) is
4 greater than the amount described in paragraph (4),
5 the Secretary shall exchange amounts under para-
6 graph (1) based on the proportion that—

7 “(A) the amount requested to be returned
8 for the fiscal year by the Appalachian State;
9 bears to

10 “(B) the amount requested to be returned
11 for the fiscal year by all Appalachian States.

12 “(e) APPALACHIAN DEVELOPMENT HIGHWAY SYS-
13 TEM CORRIDOR GRANTS.—

14 “(1) IN GENERAL.—Using amounts returned to
15 the Secretary under subsection (d)(1)(A), the Sec-
16 retary shall provide grants of contract authority, to
17 remain available until expended, and subject to spe-
18 cial no-year obligation limitation, on a competitive
19 basis to Appalachian States for eligible projects de-
20 scribed in paragraph (2).

21 “(2) ELIGIBLE PROJECT.—A project eligible to
22 be carried out with a grant under this subsection is
23 a project that is—

1 “(A) eligible under section 14501 of title
2 40 as of the date of enactment of this section;
3 and

4 “(B) reasonably expected to begin con-
5 struction by not later than 2 years after the
6 date of obligation of funds provided under this
7 subsection for the project.

8 “(3) APPLICATION.—To be eligible to receive a
9 grant under this subsection, an Appalachian State
10 shall submit to the Secretary an application at such
11 time, in such manner, and containing such informa-
12 tion as the Secretary may require.

13 “(4) FEDERAL SHARE.—The Federal share of
14 the cost of a project carried out using a grant pro-
15 vided under this subsection shall be up to 100 per-
16 cent, at the discretion of the Appalachian State.

17 “(5) LIMITATION.—An Appalachian State that
18 enters into an agreement to exchange funds under
19 subsection (d) for any fiscal year shall not be eligible
20 to receive a grant under this subsection.

21 “(f) TRANSFER FROM TIFIA PROGRAM.—

22 “(1) IN GENERAL.—On October 1 of each fiscal
23 year, the Secretary shall reserve, for the purpose of
24 funding transfers under paragraph (2) until the
25 transfers are completed, the amount of TIFIA carry-

1 over balance that exceeds the amount available to
2 carry out the TIFIA program for that fiscal year.

3 “(2) TRANSFERS.—For each fiscal year, not
4 later than 60 days after the date on which the Sec-
5 retary receives the responses to the solicitations
6 under subsection (c)(1), the Secretary shall transfer
7 from the TIFIA program to the program an amount
8 of contract authority and equal amount of obligation
9 limitation that is equal to the lesser of—

10 “(A) the total amount requested by all Ap-
11 palachian States for the fiscal year under sub-
12 section (c)(1)(B)(i);

13 “(B) the total amount requested by all Ap-
14 palachian States for grants under subsection
15 (c)(1)(B)(ii); and

16 “(C) the amount reserved under paragraph
17 (1).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 1 of title 23, United States Code, is further amended
20 by adding at the end the following:

“174. Balance Exchanges for Infrastructure Program.”.

21 **SEC. 1605. STORMWATER BEST MANAGEMENT PRACTICES.**

22 (a) STUDY.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary of Transportation and the Administrator shall

1 seek to enter into an agreement with the Transpor-
2 tation Research Board of the National Academy of
3 Sciences to under which the Transportation Re-
4 search Board shall conduct a study—

5 (A) to estimate pollutant loads from
6 stormwater runoff from highways and pedes-
7 trian facilities eligible for assistance under title
8 23, United States Code, to inform the develop-
9 ment of appropriate total maximum daily load
10 requirements;

11 (B) to provide recommendations (including
12 recommended revisions to existing laws and reg-
13 ulations) regarding the evaluation and selection
14 by State departments of transportation of po-
15 tential stormwater management and total max-
16 imum daily load compliance strategies within a
17 watershed, including environmental restoration
18 and pollution abatement carried out under sec-
19 tion 328 of title 23, United States Code;

20 (C) to examine the potential for the Sec-
21 retary to assist State departments of transpor-
22 tation in carrying out and communicating
23 stormwater management practices for highways
24 and pedestrian facilities that are eligible for as-
25 sistance under title 23, United States Code,

1 through information-sharing agreements, data-
2 base assistance, or an administrative platform
3 to provide the information described in sub-
4 paragraphs (A) and (B) to entities issued per-
5 mits under the Federal Water Pollution Control
6 Act (33 U.S.C. 1251 et seq.); and

7 (D) to examine the benefit of concen-
8 trating stormwater retrofits in impaired water-
9 sheds and selecting such retrofits according to
10 a process that depends on a watershed manage-
11 ment plan developed in accordance with section
12 319 of the Federal Water Pollution Control Act
13 (33 U.S.C. 1329).

14 (2) REQUIREMENTS.—In conducting the study
15 under the agreement entered into pursuant to para-
16 graph (1), the Transportation Research Board
17 shall—

18 (A) review and supplement, as appropriate,
19 the methodologies examined and recommended
20 in the 2019 report of the National Academies
21 of Sciences, Engineering, and Medicine titled
22 “Approaches for Determining and Complying
23 with TMDL Requirements Related to Roadway
24 Stormwater Runoff”;

25 (B) consult with—

- 1 (i) the Secretary of Transportation;
- 2 (ii) the Secretary of Agriculture;
- 3 (iii) the Administrator;
- 4 (iv) the Secretary of the Army, acting
- 5 through the Chief of Engineers; and
- 6 (v) State departments of Transpor-
- 7 tation; and
- 8 (C) solicit input from—
 - 9 (i) stakeholders with experience in im-
 - 10 plementing stormwater management prac-
 - 11 tices for projects; and
 - 12 (ii) educational and technical
 - 13 stormwater management groups.

14 (3) REPORT.—In carrying out the agreement
15 entered into pursuant to paragraph (1), not later
16 than 18 months after the date of enactment of this
17 Act, the Transportation Research Board shall sub-
18 mit to the Secretary of Transportation, the Adminis-
19 trator, the Committee on Transportation and Infra-
20 structure of the House of Representatives, and the
21 Committee on Environment and Public Works of the
22 Senate a report describing the results of the study.

23 (b) STORMWATER BEST MANAGEMENT PRACTICES
24 REPORTS.—

1 (1) REISSUANCE.—Not later than 180 days
2 after the date of enactment of this Act, the Adminis-
3 trator shall update and reissue the best management
4 practices reports to reflect new information and ad-
5 vancements in stormwater management.

6 (2) UPDATES.—Not less frequently than once
7 every 5 years after the date on which the Secretary
8 reissues the best management practices reports
9 under paragraph (1), the Secretary shall update and
10 reissue the best management practices reports, un-
11 less the contents of the best management practices
12 reports have been incorporated (including by ref-
13 erence) into applicable regulations of the Secretary.

14 (c) DEFINITIONS.—In this section:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the Environ-
17 mental Protection Agency.

18 (2) BEST MANAGEMENT PRACTICES RE-
19 PORTS.—The term “best management practices re-
20 ports” means—

21 (A) the 2014 report sponsored by the De-
22 partment of Transportation titled “Determining
23 the State of the Practice in Data Collection and
24 Performance Measurement of Stormwater Best

1 Management Practices” (FHWA–HEP–16–
2 021); and

3 (B) the 2000 report sponsored by the De-
4 partment of Transportation titled “Stormwater
5 Best Management Practices in an Ultra-Urban
6 Setting: Selection and Monitoring”.

7 (3) TOTAL MAXIMUM DAILY LOAD.—The term
8 “total maximum daily load” has the meaning given
9 such term in section 130.2 of title 40, Code of Fed-
10 eral Regulations (or successor regulations).

11 **SEC. 1606. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-**
12 **OF-WAY.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of enactment of this Act, the Architectural and
15 Transportation Barriers Compliance Board established
16 under section 502(a)(1) of the Rehabilitation Act of 1973
17 (29 U.S.C. 792), in consultation with the Secretary of
18 Transportation, shall establish accessibility guidelines set-
19 ting forth minimum standards for pedestrian facilities in
20 the public right-of-way.

21 (b) CONTENT OF GUIDANCE.—The guidelines de-
22 scribed in subsection (a) shall be substantially similar to,
23 and carried out under the same statutory authority as—

24 (1) the notice of proposed rulemaking published
25 on July 26, 2011, titled “Accessibility Guidelines for

1 Pedestrian Facilities in the Public Right-of-Way”
2 (76 Fed. Reg. 44664); and

3 (2) the supplemental notice of proposed rule-
4 making published on February 13, 2013, titled “Ac-
5 cessibility Guidelines for Pedestrian Facilities in the
6 Public Right-of-Way; Shared Use Paths” (78 Fed.
7 Reg. 10110).

8 (c) ADOPTION OF REGULATIONS.—Not later than
9 180 days after the establishment of the guidelines pursu-
10 ant to subsection (a), the Secretary shall issue such regu-
11 lations as are necessary to adopt such guidelines.

12 **SEC. 1607. HIGHWAY FORMULA MODERNIZATION REPORT.**

13 (a) HIGHWAY FORMULA MODERNIZATION STUDY.—

14 (1) IN GENERAL.—The Secretary of Transpor-
15 tation, in consultation with the State departments of
16 transportation and representatives of local govern-
17 ments (including metropolitan planning organiza-
18 tions), shall conduct a highway formula moderniza-
19 tion study to assess the method and data used to ap-
20 portion Federal-aid highway funds under subsections
21 (b) and (c) of section 104 of title 23, United States
22 Code, and issue recommendations on such method
23 and data.

24 (2) ASSESSMENT.—The highway formula mod-
25 ernization study required under paragraph (1) shall

1 include an assessment of, based on the latest avail-
2 able data, whether the apportionment method under
3 such section results in—

4 (A) an equitable distribution of funds
5 based on the estimated tax payments attrib-
6 utable to—

7 (i) highway users in the State that are
8 paid into the Highway Trust Fund; and

9 (ii) individuals in the State that are
10 paid to the Treasury, based on contribu-
11 tions to the Highway Trust Fund from the
12 general fund of the Treasury; and

13 (B) the achievement of the goals described
14 in section 101(b)(3) of title 23, United States
15 Code.

16 (3) CONSIDERATIONS.—In carrying out the as-
17 sessment under paragraph (2), the Secretary shall
18 consider the following:

19 (A) The factors described in sections
20 104(b), 104(f)(2), 104(h)(2), 130(f), and
21 144(e) of title 23, United States Code, as in ef-
22 fect on the date of enactment of SAFETEA-
23 LU (Public Law 109–59).

24 (B) The availability and accuracy of data
25 necessary to calculate formula apportionments

1 under the factors described in subparagraph
2 (A).

3 (C) The measures established under sec-
4 tion 150 of title 23, United States Code, and
5 whether such measures are appropriate for con-
6 sideration as formula apportionment factors.

7 (D) The results of the CMAQ formula
8 modernization study required under subsection
9 (b).

10 (E) Any other factors that the Secretary
11 determines are appropriate.

12 (4) RECOMMENDATIONS.—The Secretary shall,
13 in consultation with the State departments of trans-
14 portation and representatives of local governments
15 (including metropolitan planning organizations), de-
16 velop recommendations on a new apportionment
17 method, including—

18 (A) the factors recommended to be in-
19 cluded in such apportionment method;

20 (B) the weighting recommended to be ap-
21 plied to the factors under subparagraph (A);
22 and

23 (C) any other recommendations to ensure
24 that the apportionment method best achieves an
25 equitable distribution of funds described under

1 paragraph (2)(A) and the goals described in
2 paragraph (2)(B).

3 (b) CMAQ FORMULA MODERNIZATION STUDY.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary of
6 Transportation, in consultation with the Adminis-
7 trator of the Environmental Protection Agency, shall
8 conduct an CMAQ formula modernization study to
9 assess whether the apportionment method under sec-
10 tion 104(b)(4) of title 23, United States Code, re-
11 sults in a distribution of funds that best achieves the
12 air quality goals of section 149 of such title.

13 (2) CONSIDERATIONS.—In providing consulta-
14 tion under this subsection, the Administrator of the
15 Environmental Protection Agency shall provide to
16 the Secretary an analysis of—

17 (A) factors that contribute to the appor-
18 tionment, including population, types of pollut-
19 ants, and severity of pollutants, as such factors
20 were determined on the date prior to the date
21 of enactment of MAP-21;

22 (B) the weighting of the factors listed
23 under subparagraph (A); and

1 (C) the recency of the data used in making
2 the apportionment under section 104(b)(4) of
3 title 23, United States Code.

4 (3) RECOMMENDATIONS.—If, in conducting the
5 study under this subsection, the Secretary finds that
6 modifying the apportionment method under section
7 104(b)(4) of title 23, United States Code, would
8 best achieve the air quality goals of section 149 of
9 title 23, United States Code, the Secretary shall, in
10 consultation with the Administrator, include in such
11 study recommendations for a new apportionment
12 method, including—

13 (A) the factors recommended to be in-
14 cluded in such apportionment method;

15 (B) the weighting recommended to be ap-
16 plied to the factors under subparagraph (A);
17 and

18 (C) any other recommendations to ensure
19 that the apportionment method best achieves
20 the air quality goals section 149 of such title.

21 (c) REPORT.—No later than 2 years after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Transportation and Infrastructure of
24 the House of Representatives and the Committee on Envi-
25 ronment and Public Works of the Senate a report con-

1 taining the results of the highway formula modernization
2 study and the CMAQ formula modification study.

3 **SEC. 1608. CONSOLIDATION OF PROGRAMS.**

4 Section 1519 of MAP-21 (Public Law 112-141) is
5 amended—

6 (1) in subsection (a)—

7 (A) by striking “fiscal years 2016 through
8 2020” and inserting “fiscal years 2022 through
9 2025”; and

10 (B) by striking “\$3,500,000” and insert-
11 ing “\$4,000,000”;

12 (2) by redesignating subsections (b) and (c) as
13 subsections (c) and (d), respectively; and

14 (3) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) FEDERAL SHARE.—The Federal share of the
17 cost of a project or activity carried out under subsection
18 (a) shall be 100 percent.”.

19 **SEC. 1609. STUDENT OUTREACH REPORT TO CONGRESS.**

20 (a) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, the Secretary of Transportation
22 shall submit to the Committee on Transportation and In-
23 frastructure of the House of Representatives and the Com-
24 mittee on Environment and Public Works of the Senate
25 a report that describes the efforts of the Department of

1 Transportation to encourage elementary, secondary, and
2 post-secondary students to pursue careers in the surface
3 transportation sector.

4 (b) CONTENTS.—The report required under sub-
5 section (a) shall include—

6 (1) a description of efforts to increase aware-
7 ness of careers related to surface transportation
8 among elementary, secondary, and post-secondary
9 students;

10 (2) a description of efforts to prepare and in-
11 spire such students for surface transportation ca-
12 reers;

13 (3) a description of efforts to support the devel-
14 opment of a diverse, well-qualified workforce for fu-
15 ture surface transportation needs; and

16 (4) the effectiveness of the efforts described in
17 paragraphs (1) through (3).

18 **SEC. 1610. TASK FORCE ON DEVELOPING A 21ST CENTURY**

19 **SURFACE TRANSPORTATION WORKFORCE.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of enactment of this Act, the Secretary of Transpor-
22 tation shall establish a task force on developing a 21st
23 century surface transportation workforce (in this section
24 referred to as the “Task Force”).

1 (b) DUTIES.—Not later than 12 months after the es-
2 tablishment of the Task Force under subsection (a), the
3 Task Force shall develop and submit to the Secretary rec-
4 ommendations and strategies for the Department of
5 Transportation to—

6 (1) evaluate the current and future state of the
7 surface transportation workforce, including projected
8 job needs in the surface transportation sector;

9 (2) identify factors influencing individuals pur-
10 suing careers in surface transportation, including
11 barriers to attracting individuals into the workforce;

12 (3) address barriers to retaining individuals in
13 surface transportation careers;

14 (4) identify and address potential impacts of
15 emerging technologies on the surface transportation
16 workforce;

17 (5) increase access for vulnerable or underrep-
18 resented populations, especially women and minori-
19 ties, to high-skill, in-demand surface transportation
20 careers;

21 (6) facilitate and encourage elementary, sec-
22 ondary, and post-secondary students in the United
23 States to pursue careers in the surface transpor-
24 tation sector; and

1 (7) identify and develop pathways for students
2 and individuals to secure pre-apprenticeships, reg-
3 istered apprenticeships, and other work-based learn-
4 ing opportunities in the surface transportation sector
5 of the United States.

6 (c) CONSIDERATIONS.—In developing recommenda-
7 tions and strategies under subsection (b), the Task Force
8 shall—

9 (1) identify factors that influence whether
10 young people pursue careers in surface transpor-
11 tation, especially traditionally underrepresented pop-
12 ulations, including women and minorities;

13 (2) consider how the Department, businesses,
14 industry, labor, educators, and other stakeholders
15 can coordinate efforts to support qualified individ-
16 uals in pursuing careers in the surface transpor-
17 tation sector;

18 (3) identify methods of enhancing surface
19 transportation pre-apprenticeships and registered
20 apprenticeships, job skills training, mentorship, edu-
21 cation, and outreach programs that are exclusive to
22 youth in the United States; and

23 (4) identify potential sources of funding, includ-
24 ing grants and scholarships, that may be used to

1 support youth and other qualified individuals in pur-
2 suing careers in the surface transportation sector.

3 (d) CONSULTATION.—In developing the recommenda-
4 tions and strategies required under subsection (b), the
5 Task Force may consult with—

6 (1) local educational agencies and institutes of
7 higher education, including community colleges and
8 vocational schools; and

9 (2) State workforce development boards.

10 (e) REPORT.—Not later than 60 days after the sub-
11 mission of the recommendations and strategies under sub-
12 section (b), the Secretary shall submit to the Committee
13 on Transportation and Infrastructure of the House of
14 Representatives and the Committee on Environment and
15 Public Works of the Senate a report containing such rec-
16 ommendations and strategies.

17 (f) COMPOSITION OF TASK FORCE.—The Secretary
18 shall appoint members to the Task Force whose diverse
19 background and expertise allow such members to con-
20 tribute balanced points of view and ideas in carrying out
21 this section, comprised of equal representation from each
22 of the following:

23 (1) Industries in the surface transportation sec-
24 tor.

1 (2) Surface transportation sector labor organi-
2 zations.

3 (3) Such other surface transportation stake-
4 holders and experts as the Secretary considers ap-
5 propriate.

6 (g) PERIOD OF APPOINTMENT.—Members shall be
7 appointed to the Task Force for the duration of the exist-
8 ence of the Task Force.

9 (h) COMPENSATION.—Task Force members shall
10 serve without compensation.

11 (i) SUNSET.—The Task Force shall terminate upon
12 the submission of the report required under subsection (e).

13 (j) DEFINITIONS.—In this section:

14 (1) PRE-APPRENTICESHIP.—The term “pre-ap-
15 prenticeship” means a training model or program
16 that prepares individuals for acceptance into a reg-
17 istered apprenticeship and has a demonstrated part-
18 nership with 1 or more registered apprenticeships.

19 (2) REGISTERED APPRENTICESHIP.—The term
20 “registered apprenticeship” means an apprenticeship
21 program registered under the Act of August 16,
22 1937 (29 U.S.C. 50 et seq.; commonly known as the
23 “National Apprenticeship Act”), that satisfies the
24 requirements of parts 29 and 30 of title 29, Code

1 of Federal Regulations (as in effect on January 1,
2 2020).

3 **SEC. 1611. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
4 **ICES.**

5 Section 140(b) of title 23, United States Code, is
6 amended to read as follows:

7 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

8 “(1) IN GENERAL.—The Secretary, in coopera-
9 tion with the Secretary of Labor and any other de-
10 partment or agency of the Government, State agen-
11 cy, authority, association, institution, Indian Tribal
12 government, corporation (profit or nonprofit), or any
13 other organization or person, is authorized to de-
14 velop, conduct, and administer surface transpor-
15 tation and technology training, including skill im-
16 provement programs, and to develop and fund sum-
17 mer transportation institutes.

18 “(2) STATE RESPONSIBILITIES.—A State de-
19 partment of transportation participating in the pro-
20 gram under this subsection shall—

21 “(A) develop an annual workforce plan
22 that identifies immediate and anticipated work-
23 force gaps and underrepresentation of women
24 and minorities and a detailed plan to fill such
25 gaps and address such underrepresentation;

1 “(B) establish an annual workforce devel-
2 opment compact with the State workforce devel-
3 opment board and appropriate agencies to pro-
4 vide a coordinated approach to workforce train-
5 ing, job placement, and identification of train-
6 ing and skill development program needs, which
7 shall be coordinated to the extent practical with
8 an institution or agency, such as a State work-
9 force development board under section 101 of
10 the Workforce Innovation and Opportunities
11 Act (29 U.S.C. 3111), that has established
12 skills training, recruitment, and placement re-
13 sources; and

14 “(C) demonstrate program outcomes, in-
15 cluding—

16 “(i) impact on areas with transpor-
17 tation workforce shortages;

18 “(ii) diversity of training participants;

19 “(iii) number and percentage of par-
20 ticipants obtaining certifications or creden-
21 tials required for specific types of employ-
22 ment;

23 “(iv) employment outcome, including
24 job placement and job retention rates and
25 earnings, using performance metrics estab-

1 lished in consultation with the Secretary of
2 Labor and consistent with metrics used by
3 programs under the Workforce Innovation
4 and Opportunity Act (29 U.S.C. 3101 et
5 seq.); and

6 “(v) to the extent practical, evidence
7 that the program did not preclude workers
8 that participate in training or registered
9 apprenticeship activities under the pro-
10 gram from being referred to, or hired on,
11 projects funded under this chapter.

12 “(3) FUNDING.—From administrative funds
13 made available under section 104(a), the Secretary
14 shall deduct such sums as necessary, not to exceed
15 \$10,000,000 in each fiscal year, for the administra-
16 tion of this subsection. Such sums shall remain
17 available until expended.

18 “(4) NONAPPLICABILITY OF TITLE 41.—Sub-
19 sections (b) through (d) of section 6101 of title 41
20 shall not apply to contracts and agreements made
21 under the authority granted to the Secretary under
22 this subsection.

23 “(5) USE OF SURFACE TRANSPORTATION PRO-
24 GRAM AND NATIONAL HIGHWAY PERFORMANCE PRO-
25 GRAM FUNDS.—Notwithstanding any other provision

1 of law, not to exceed $\frac{1}{2}$ of 1 percent of funds appor-
2 tioned to a State under paragraph (1) or (2) of sec-
3 tion 104(b) may be available to carry out this sub-
4 section upon request of the State transportation de-
5 partment to the Secretary.”.

6 **SEC. 1612. WORK ZONE SAFETY.**

7 Section 504(e)(1) of title 23, United States Code, is
8 amended—

9 (1) by redesignating subparagraphs (F) and
10 (G) as subparagraphs (G) and (H), respectively; and

11 (2) by inserting after subparagraph (E) the fol-
12 lowing:

13 “(F) tuition and direct educational ex-
14 penses or other costs of instruction related to
15 the work zone safety training and certification
16 of employees of State and local transportation
17 agencies and surface transportation construc-
18 tion workers;”.

19 **SEC. 1613. TRANSPORTATION EDUCATION DEVELOPMENT**
20 **PROGRAM.**

21 Section 504 of title 23, United States Code, is
22 amended—

23 (1) in subsection (e)(1) by inserting “and (8)
24 through (9)” after “paragraphs (1) through (4)”;
25 and

1 (2) in subsection (f) by adding at the end the
2 following:

3 “(4) REPORTS.—The Secretary shall submit to
4 the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation of the
7 Senate an annual report that includes—

8 “(A) a list of all grant recipients under
9 this subsection;

10 “(B) an explanation of why each recipient
11 was chosen in accordance with the criteria
12 under paragraph (2);

13 “(C) a summary of each recipient’s objec-
14 tive to carry out the purpose described in para-
15 graph (1) and an analysis of progress made to-
16 ward achieving each such objective;

17 “(D) an accounting for the use of Federal
18 funds obligated or expended in carrying out this
19 subsection; and

20 “(E) an analysis of outcomes of the pro-
21 gram under this subsection.”.

22 **SEC. 1614. WORKING GROUP ON CONSTRUCTION RE-**
23 **SOURCES.**

24 (a) ESTABLISHMENT.—Not later than 120 days after
25 the date of enactment of this Act, the Secretary of Trans-

1 portation shall establish a working group (in this section
2 referred to as the “Working Group”) to conduct a study
3 on access to covered resources for infrastructure projects.

4 (b) MEMBERSHIP.—

5 (1) APPOINTMENT.—The Secretary shall ap-
6 point to the Working Group individuals with knowl-
7 edge and expertise in the production and transpor-
8 tation of covered resources.

9 (2) REPRESENTATION.—The Working Group
10 shall include at least 1 representative of each of the
11 following:

12 (A) State departments of transportation.

13 (B) State agencies associated with covered
14 resources protection.

15 (C) State planning and geologic survey and
16 mapping agencies.

17 (D) Commercial motor vehicle operators,
18 including small business operators and opera-
19 tors who transport covered resources.

20 (E) Covered resources producers.

21 (F) Construction contractors.

22 (G) Metropolitan planning organizations
23 and regional planning organizations.

24 (H) Indian Tribes, including Tribal elected
25 leadership or Tribal transportation officials.

1 (I) Any other stakeholders that the Sec-
2 retary determines appropriate.

3 (3) TERMINATION.—The Working Group shall
4 terminate 6 months after the date on which the Sec-
5 retary receives the report under subsection (e)(1).

6 (c) DUTIES.—In carrying out the study required
7 under subsection (a), the Working Group shall analyze—

8 (1) the use of covered resources in transpor-
9 tation projects funded with Federal dollars;

10 (2) how the proximity of covered resources to
11 such projects affects the cost and environmental im-
12 pact of such projects;

13 (3) whether and how State, Tribal, and local
14 transportation and planning agencies consider cov-
15 ered resources when developing transportation
16 projects; and

17 (4) any challenges for transportation project
18 sponsors regarding access and proximity to covered
19 resources.

20 (d) CONSULTATION.—In carrying out the study re-
21 quired under subsection (a), the Working Group shall con-
22 sult with, as appropriate—

23 (1) chief executive officers of States;

24 (2) State, Tribal, and local transportation and
25 planning agencies;

1 (3) other relevant State, Tribal, and local agen-
2 cies, including State agencies associated with cov-
3 ered resources protection;

4 (4) members of the public with industry experi-
5 ence with respect to covered resources;

6 (5) other Federal entities that provide funding
7 for transportation projects; and

8 (6) any other stakeholder the Working Group
9 determines appropriate.

10 (e) REPORTS.—

11 (1) WORKING GROUP REPORT.—Not later than
12 2 years after the date on which the Working Group
13 is established, the Working Group shall submit to
14 the Secretary a report that includes—

15 (A) the findings of the study required
16 under subsection (a), including a summary of
17 comments received during the consultation
18 process under subsection (d); and

19 (B) any recommendations to preserve ac-
20 cess to and reduce the costs and environmental
21 impacts of covered resources for infrastructure
22 projects.

23 (2) DEPARTMENTAL REPORT.—Not later than
24 3 months after the date on which the Secretary re-
25 ceives the report under paragraph (1), the Secretary

1 shall submit to the Committee on Transportation
2 and Infrastructure of the House of Representatives
3 and the Committee on Environment and Public
4 Works of the Senate a summary of the findings
5 under such report and any recommendations, as ap-
6 propriate.

7 (f) DEFINITIONS.—In this section:

8 (1) COVERED RESOURCES.—The term “covered
9 resources” means common variety materials used in
10 transportation infrastructure construction and main-
11 tenance, including stone, sand, and gravel.

12 (2) STATE.—The term “State” means each of
13 the several States, the District of Columbia, and
14 each territory or possession of the United States.

15 **SEC. 1615. NUMBERING SYSTEM OF HIGHWAY INTER-**
16 **CHANGES.**

17 (a) IN GENERAL.—Notwithstanding section 315 of
18 title 23, United States Code, and section 1.36 of title 23,
19 Code of Federal Regulations, the Secretary of Transpor-
20 tation may not impose a penalty on a State that does not
21 comply with section 2E.31 of the Manual on Uniform
22 Traffic Control Devices (or a successor section) with re-
23 spect to the numbering of highway interchanges.

1 (b) APPLICABILITY.—Subsection (a) shall only apply
2 to a method of numbering of a highway interchange in
3 effect on the date of enactment of this Act.

4 **SEC. 1616. TOLL CREDITS.**

5 (a) PURPOSES.—The Secretary of Transportation
6 shall—

7 (1) identify the extent of the demand to pur-
8 chase toll credits;

9 (2) identify the expected cash price of toll cred-
10 its;

11 (3) analyze the impact of the exchange of toll
12 credits on transportation expenditures; and

13 (4) identify any other repercussions of estab-
14 lishing a toll credit exchange.

15 (b) SOLICITATION.—To carry out the requirements of
16 this section, the Secretary shall solicit information from
17 States eligible to use a credit under section 120(i) of title
18 23, United States Code, including—

19 (1) the amount of unused toll credits, includ-
20 ing—

21 (A) toll revenue generated and the sources
22 of that revenue;

23 (B) toll revenue used by public, quasi-pub-
24 lic, and private agencies to build, improve, or
25 maintain highways, bridges, or tunnels that

1 serve the public purpose of interstate commerce;
2 and

3 (C) an accounting of any Federal funds
4 used by the public, quasi-public, or private
5 agency to build, improve, or maintain the toll
6 facility, to validate that the credit has been re-
7 duced by a percentage equal to the percentage
8 of the total cost of building, improving, or
9 maintaining the facility that was derived from
10 Federal funds;

11 (2) the documentation of maintenance of effort
12 for toll credits earned by the State; and

13 (3) the accuracy of the accounting system of
14 the State to earn and track toll credits.

15 (c) WEBSITE.—The Secretary shall make available a
16 publicly accessible website on which a State eligible to use
17 a credit under section 120(i) of title 23, United States
18 Code shall publish the information described under sub-
19 section (b)(1).

20 (d) EVALUATION AND RECOMMENDATIONS TO CON-
21 GRESS.—Not later than 2 years after the date of enact-
22 ment of this Act, the Secretary shall provide to the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives and the Committee on Environment
25 and Public Works of the Senate, and make publicly avail-

1 able on the website of the Department of Transpor-
2 tation—

3 (1) an evaluation of the accuracy of the ac-
4 counting and documentation of toll credits earned
5 under section 120(i);

6 (2) a determination whether a toll credit mar-
7 ketplace is viable and cost effective;

8 (3) estimates, to the extent possible, of the av-
9 erage sale price of toll credits; and

10 (4) recommendations on any modifications nec-
11 essary, including legislative changes, to establish and
12 implement a toll credit exchange program.

13 (e) DEFINITION.—In this section, the term “State”
14 has the meaning given the term in section 101(a) of title
15 23, United States Code.

16 **SEC. 1617. TRANSPORTATION CONSTRUCTION MATERIALS**
17 **PROCUREMENT.**

18 (a) ESTABLISHMENT.—Not later than 180 days after
19 the date of enactment of this Act, the Secretary of Trans-
20 portation shall initiate a review of the procurement proc-
21 esses used by State departments of transportation to se-
22 lect construction materials on projects utilizing Federal-
23 aid highway funds.

24 (b) CONTENTS.—The review under subsection (a)
25 shall include—

1 (1) a review of competitive practices in the bid-
2 ding process for transportation construction mate-
3 rials;

4 (2) a list of States that currently issue bids
5 that include flexibility in the type of construction
6 materials used to meet the project specifications;

7 (3) any information provided by States on con-
8 siderations that influence the decision to include
9 competition by type of material in transportation
10 construction projects;

11 (4) any data on whether issuing bids that in-
12 clude flexibility in the type of construction materials
13 used to meet the project specifications will affect
14 project costs over the lifecycle of an asset;

15 (5) any data on the degree to which competition
16 leads to greater use of sustainable, innovative, or re-
17 silient materials; and

18 (6) an evaluation of any barriers to more wide-
19 spread use of competitive bidding processes for
20 transportation construction materials.

21 (c) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Secretary shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee on
25 Environment and Public Works of the Senate, and make

1 publicly available, a report on the review initiated by the
2 Secretary pursuant to this section.

3 **SEC. 1618. CONSTRUCTION OF CERTAIN ACCESS AND DE-**
4 **VELOPMENT ROADS.**

5 Section 118(d) of title 23, United States Code, is
6 amended by striking “and the Commonwealth of Puerto
7 Rico” and inserting “, the Commonwealth of Puerto Rico,
8 and any other territory of the United States”.

9 **SEC. 1619. NATIONWIDE ROAD SAFETY ASSESSMENT.**

10 (a) IN GENERAL.—The Secretary of Transportation
11 shall, every 2 years, conduct nationwide, on-the-ground
12 road safety assessments focused on pedestrian and bicycle
13 safety in each State.

14 (b) REQUIREMENTS.—The assessments required
15 under subsection (a) shall be conducted—

16 (1) by Department of Transportation field of-
17 fices from the Federal Highway Administration, the
18 National Highway Transportation Safety Adminis-
19 tration, the Federal Transit Administration, and the
20 Federal Motor Carrier Safety Administration; and

21 (2) in consultation with—

22 (A) State and local agencies with jurisdic-
23 tion over pedestrian and bicycle safety;

24 (B) pedestrian safety and bicycle safety
25 advocacy organizations; and

1 (C) other relevant pedestrian and bicycle
2 safety stakeholders.

3 (c) PURPOSES.—The purpose of the assessments
4 under this section is to—

5 (1) identify and examine specific locations with
6 documented or perceived problems with pedestrian
7 and bicycle safety and access;

8 (2) examine barriers to providing safe pedes-
9 trian and bicycle access to transportation infrastruc-
10 ture; and

11 (3) develop and issue recommendations de-
12 signed to effectively address specific safety and ac-
13 cess issues and enhance pedestrian and bicycle safe-
14 ty in high risk areas.

15 (d) REPORT ON STATE ASSESSMENTS.—Upon com-
16 pletion of the assessment of a State, the Secretary shall
17 issue, and make available to the public, a report con-
18 taining the assessment that includes—

19 (1) a list of locations that have been assessed
20 as presenting a danger to pedestrians or bicyclists;
21 and

22 (2) recommendations to enhance pedestrian and
23 bicycle safety in those locations.

24 (e) REPORT ON NATIONWIDE PROGRAM.—Upon com-
25 pletion of the biannual assessment nationwide required

1 under this section, the Secretary shall issue, and make
2 available to the public, that covers assessments for all ju-
3 risdictions and also present it to the congressional trans-
4 portation committees.

5 (f) NATIONAL PEDESTRIAN AND BICYCLE SAFETY
6 DATABASE.—The Secretary, in order to enhance pedes-
7 trian and bicycle safety and improve information sharing
8 on pedestrian and bicycle safety challenges between the
9 Federal Government and State and local governments,
10 shall maintain a national pedestrian and bicycle safety
11 database that includes—

12 (1) a list of high-risk intersections, roads, and
13 highways with a documented history of pedestrian or
14 bicycle accidents or fatalities and details regarding
15 those incidents; and

16 (2) information on corrective measures that
17 have been implemented at the State, local, or Fed-
18 eral level to enhance pedestrian and bicyclist safety
19 at those high risk areas, including details on the na-
20 ture and date of corrective action.

21 (g) STATE DEFINED.—In this section, the term
22 “State” means each of the States, the District of Colum-
23 bia, and Puerto Rico.

24 **SEC. 1620. WILDLIFE CROSSINGS.**

25 (a) IN GENERAL.—

1 (1) OBLIGATION REQUIREMENT.—For each of
2 fiscal years 2022 through 2025, of the amounts ap-
3 portioned to a State under paragraph (1) of section
4 104(b) of title 23, United States Code, each State
5 shall obligate amounts distributed to such State
6 under subsection (b) for projects and strategies that
7 reduce vehicle-caused wildlife mortality related to, or
8 to restore and maintain connectivity among terres-
9 trial or aquatic habitats affected by, a transpor-
10 tation facility otherwise eligible for assistance under
11 section 119 of title 23, United States Code.

12 (2) TOTAL AMOUNT.—The total amount to be
13 obligated by all States under paragraph (1) shall
14 equal \$75,000,000 for each of fiscal years 2022
15 through 2025.

16 (b) DISTRIBUTION.—Each State’s share of the
17 amount described under subsection (a)(2) shall be deter-
18 mined by multiplying the amount described under such
19 subsection by the ratio that—

20 (1) the amount apportioned in the previous fis-
21 cal year to the State under section 104 of title 23,
22 United States Code; bears to

23 (2) the total amount of funds apportioned to all
24 States in the previous fiscal year.

25 (c) STATE FLEXIBILITY.—

1 (1) IN GENERAL.—A State may opt out of the
2 obligation requirement described under this section
3 if the Governor of the State notifies the Secretary
4 that the State has inadequate needs to justify the
5 expenditure not later than 30 days prior to appor-
6 tionments being made for any fiscal year.

7 (2) USE OF FUNDS.—A State that exercises the
8 authority under paragraph (1) may use the funds
9 described under this section for any purpose de-
10 scribed under section 119 of title 23, United States
11 Code.

12 **SEC. 1621. CLIMATE RESILIENT TRANSPORTATION INFRA-**
13 **STRUCTURE STUDY.**

14 (a) CLIMATE RESILIENT TRANSPORTATION INFRA-
15 STRUCTURE STUDY.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall enter into an agreement with the Transpor-
18 tation Research Board of the National Academies to con-
19 duct a study of the actions needed to ensure that Federal
20 agencies are taking into account current and future cli-
21 mate conditions in planning, designing, building, oper-
22 ating, maintaining, investing in, and upgrading any feder-
23 ally funded transportation infrastructure investments.

1 (b) METHODOLOGIES.—In conducting the study, the
2 Transportation Research Board shall build on the meth-
3 odologies examined and recommended in—

4 (1) the 2018 report issued the American Soci-
5 ety of Civil Engineers, titled “Climate-Resilient In-
6 frastructure: Adaptive Design and Risk Manage-
7 ment”; and

8 (2) the report issued by the California Climate-
9 Safe Infrastructure Working Group, titled “Paying
10 it Forward: The Path Toward Climate-Safe Infra-
11 structure in California”.

12 (c) CONTENTS OF STUDY.—The study shall include
13 specific recommendations regarding the following:

14 (1) Integrating scientific knowledge of projected
15 climate change impacts, and other relevant data and
16 information, into Federal infrastructure planning,
17 design, engineering, construction, operation and
18 maintenance.

19 (2) Addressing critical information gaps and
20 challenges.

21 (3) Financing options to help fund climate-resil-
22 ient infrastructure.

23 (4) A platform or process to facilitate commu-
24 nication between climate scientists and other experts

1 with infrastructure planners, engineers and other
2 relevant experts.

3 (5) A stakeholder process to engage with rep-
4 resentatives of State, local, tribal and community
5 groups.

6 (6) A platform for tracking Federal funding of
7 climate-resilient infrastructure.

8 (d) CONSIDERATIONS.—In carrying out the study,
9 the Transportation Research Board shall determine the
10 need for information related to climate resilient transpor-
11 tation infrastructure by considering—

12 (1) the current informational and institutional
13 barriers to integrating projected infrastructure risks
14 posed by climate change into federal infrastructure
15 planning, design, engineering, construction, oper-
16 ation and maintenance;

17 (2) the critical information needed by engineers,
18 planners and those charged with infrastructure up-
19 grades and maintenance to better incorporate cli-
20 mate change risks and impacts over the lifetime of
21 projects;

22 (3) how to select an appropriate, adaptive engi-
23 neering design for a range of future climate sce-
24 narios as related to infrastructure planning and in-
25 vestment;

1 (4) how to incentivize and incorporate systems
2 thinking into engineering design to maximize the
3 benefits of multiple natural functions and emissions
4 reduction, as well as regional planning;

5 (5) how to take account of the risks of cas-
6 cading infrastructure failures and develop more ho-
7 listic approaches to evaluating and mitigating cli-
8 mate risks;

9 (6) how to ensure that investments in infra-
10 structure resilience benefit all communities, includ-
11 ing communities of color, low-income communities
12 and tribal communities that face a disproportionate
13 risk from climate change and in many cases have ex-
14 perienced long-standing unmet needs and under-
15 investment in critical infrastructure;

16 (7) how to incorporate capital assessment and
17 planning training and techniques, including a range
18 of financing options to help local and State govern-
19 ments plan for and provide matching funds; and

20 (8) how federal agencies can track and monitor
21 federally funded resilient infrastructure in a coordi-
22 nated fashion to help build the understanding of the
23 cost-benefit of resilient infrastructure and to build
24 the capacity for implementing resilient infrastruc-
25 ture.

1 (e) CONSULTATION.—In carrying out the study, the
2 Transportation Research Board—

3 (1) shall convene and consult with a panel of
4 national experts, including operators and users of
5 Federal transportation infrastructure and private
6 sector stakeholders; and

7 (2) is encouraged to consult with—

8 (A) representatives from the thirteen fed-
9 eral agencies that comprise the United States
10 Global Change Research Program;

11 (B) representatives from the Department
12 of the Treasury;

13 (C) professional engineers with relevant ex-
14 pertise in infrastructure design;

15 (D) scientists from the National Academies
16 with relevant expertise;

17 (E) scientists, social scientists and experts
18 from academic and research institutions who
19 have expertise in climate change projections and
20 impacts; engineering; architecture; or other rel-
21 evant areas of expertise;

22 (F) licensed architects with relevant expe-
23 rience in infrastructure design;

24 (G) certified planners;

1 (H) representatives of State, local and
2 Tribal governments; and

3 (I) representatives of environmental justice
4 groups.

5 (f) REPORT.—Not later than 3 years after the date
6 of enactment of this Act, the Transportation Research
7 Board shall submit to the Secretary, the Committee on
8 Transportation and Infrastructure of the House of Rep-
9 resentatives, and the Committee on Environment and
10 Public Works of the Senate a report on the results of the
11 study conducted under this section.

12 **SEC. 1622. ELIMINATION OF DUPLICATION OF ENVIRON-**
13 **MENTAL REVIEWS AND APPROVALS.**

14 The Secretary of Transportation shall issue a final
15 rule implementing the program under section 330 of title
16 23, United States Code.

17 **SEC. 1623. AMBER ALERTS ALONG MAJOR TRANSPOR-**
18 **TATION ROUTES.**

19 (a) IN GENERAL.—Section 303 of the PROTECT
20 Act (34 U.S.C. 20503) is amended—

21 (1) in the section heading, by inserting “**AND**
22 **MAJOR TRANSPORTATION ROUTES**” after
23 “**ALONG HIGHWAYS**”;

24 (2) in subsection (a)—

1 (A) by inserting “(referred to in this sec-
2 tion as the ‘Secretary’)” after “Secretary of
3 Transportation”; and

4 (B) by inserting “and at airports, mari-
5 time ports, border crossing areas and check-
6 points, and ports of exit from the United
7 States” after “along highways”;

8 (3) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) by striking “other motorist infor-
11 mation systems to notify motorists” and
12 inserting “other information systems to no-
13 tify motorists, aircraft passengers, ship
14 passengers, and travelers”; and

15 (ii) by inserting “, aircraft passengers,
16 ship passengers, and travelers” after “nec-
17 essary to notify motorists”; and

18 (B) in paragraph (2)—

19 (i) in subparagraph (A), by striking
20 “other motorist information systems to no-
21 tify motorists” and inserting “other infor-
22 mation systems to notify motorists, air-
23 craft passengers, ship passengers, and
24 travelers”;

1 (ii) in subparagraph (D), by inserting
2 “, aircraft passengers, ship passengers,
3 and travelers” after “support the notifica-
4 tion of motorists”;

5 (iii) in subparagraph (E), by inserting
6 “, aircraft passengers, ship passengers,
7 and travelers” after “motorists”, each
8 place it appears;

9 (iv) in subparagraph (F), by inserting
10 “, aircraft passengers, ship passengers,
11 and travelers” after “motorists”; and

12 (v) in subparagraph (G), by inserting
13 “, aircraft passengers, ship passengers,
14 and travelers” after “motorists”;

15 (4) in subsection (c), by striking “other motor-
16 ist information systems to notify motorists”, each
17 place it appears, and inserting “other information
18 systems to notify motorists, aircraft passengers, ship
19 passengers, and travelers”;

20 (5) by amending subsection (d) to read as fol-
21 lows:

22 “(d) FEDERAL SHARE.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the Federal share of the cost of any ac-

1 activities funded by a grant under this section may not
2 exceed 80 percent.

3 “(2) WAIVER.—If the Secretary determines
4 that American Samoa, Guam, the Northern Mariana
5 Islands, Puerto Rico, or the Virgin Islands of the
6 United States is unable to comply with the require-
7 ment under paragraph (1), the Secretary shall waive
8 such requirement.”;

9 (6) in subsection (g)—

10 (A) by striking “In this section” and in-
11 serting “In this subtitle”; and

12 (B) by striking “or Puerto Rico” and in-
13 serting “American Samoa, Guam, Puerto Rico,
14 the Northern Mariana Islands, the Virgin Is-
15 lands of the United States, and any other terri-
16 tory of the United States”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The table of contents in section 1(b) of the PROTECT
19 Act (Public Law 108–21) is amended by striking the item
20 relating to section 303 and inserting the following:

“Sec. 303. Grant program for notification and communications systems along
highways and major transportation routes for recovery of ab-
ducted children.”.

21 **SEC. 1624. NATURAL GAS, ELECTRIC BATTERY, AND ZERO**
22 **EMISSION VEHICLES.**

23 Subsection (s) of section 127 of title 23, United
24 States Code is amended to read as follows:

1 “(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO
2 EMISSION VEHICLES.—A vehicle, if operated by an engine
3 fueled primarily by natural gas powered primarily by
4 means of electric battery power or fueled primarily by
5 means of other zero emission fuel technologies, may exceed
6 the weight limit on the power unit by up to 2,000 pounds
7 (up to a maximum gross vehicle weight of 82,000 pounds)
8 under this section.”.

9 **SEC. 1625. GUIDANCE ON EVACUATION ROUTES.**

10 (a) IN GENERAL.—

11 (1) GUIDANCE.—The Administrator of the Fed-
12 eral Highway Administration, in coordination with
13 the Administrator of the Federal Emergency Man-
14 agement Agency, and consistent with guidance
15 issued by the Federal Emergency Management
16 Agency pursuant to section 1209 of the Disaster Re-
17 covery Reform Act of 2018 (Public Law 115–254),
18 shall revise existing guidance or issue new guidance
19 as appropriate for State, local, and Indian Tribal
20 governments regarding the design, construction,
21 maintenance, and repair of evacuation routes.

22 (2) CONSIDERATIONS.—In revising or issuing
23 guidance under subsection (a)(1), the Administrator
24 of the Federal Highway Administration shall con-
25 sider—

1 (A) methods that assist evacuation routes
2 to—

3 (i) withstand likely risks to viability,
4 including flammability and hydrostatic
5 forces;

6 (ii) improve durability, strength (in-
7 cluding the ability to withstand tensile
8 stresses and compressive stresses), and
9 sustainability; and

10 (iii) provide for long-term cost sav-
11 ings;

12 (B) the ability of evacuation routes to ef-
13 fectively manage contraflow operations;

14 (C) for evacuation routes on public lands,
15 the viewpoints of the applicable Federal land
16 management agency regarding emergency oper-
17 ations, sustainability, and resource protection;
18 and

19 (D) such other items the Administrator of
20 the Federal Highway Administration considers
21 appropriate.

22 (3) REPORT.—In the case in which the Admin-
23 istrator of the Federal Highway Administration, in
24 consultation with the Administrator of the Federal
25 Emergency Management Agency, concludes existing

1 guidance addresses the considerations in paragraph
2 (2), The Administrator of the Federal Highway Ad-
3 ministration shall submit to the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives and the Committee on Environment
6 and Public Works of the Senate a detailed report de-
7 scribing how existing guidance addresses such con-
8 siderations.

9 (b) STUDY.—The Administrator of the Federal High-
10 way Administration, in coordination with the Adminis-
11 trator of the Federal Emergency Management Agency and
12 State, local, territorial, and Indian Tribal governments,
13 shall—

14 (1) conduct a study of the adequacy of available
15 evacuation routes to accommodate the flow of evac-
16 uees; and

17 (2) submit recommendations to Congress on
18 how to help with anticipated evacuation route flow,
19 based on the study conducted under paragraph (1).

20 **SEC. 1626. PROHIBITING USE OF FEDERAL FUNDS FOR PAY-**
21 **MENTS IN SUPPORT OF CONGRESSIONAL**
22 **CAMPAIGNS.**

23 No amounts may be assessed on funds collected pur-
24 suant to section 9553 of this Act for purposes of making
25 payments in support of a campaign for election for the

1 office of Senator or Representative in, or Delegate or Resi-
2 dent Commissioner to, Congress.

3 **SEC. 1627. HIGH PRIORITY CORRIDORS ON NATIONAL**
4 **HIGHWAY SYSTEM.**

5 Section 1105(c) of the Intermodal Surface Transpor-
6 tation Efficiency Act of 1991 is amended by adding at
7 the end the following:

8 “(92) The Louisiana Capital Region High Pri-
9 ority Corridor, which shall generally follow—

10 “(A) Interstate 10, between its intersec-
11 tions with Interstate 12 and Louisiana High-
12 way 415;

13 “(B) Louisiana Highway 415, between its
14 intersections with Interstate 10 and United
15 States route 190;

16 “(C) United States route 190, between its
17 intersections with Louisiana Highway 415 and
18 intersection with Interstate 110;

19 “(D) Interstate 110, between its intersec-
20 tions with United States route 190 and Inter-
21 state 10;

22 “(E) Louisiana Highway 30, near St. Ga-
23 briel, LA and its intersection with Interstate
24 10;

1 “(F) Louisiana Highway 1, near White
2 Castle, LA and its intersection with Interstate
3 10; and

4 “(G) A bridge connecting Louisiana High-
5 way 1 with Louisiana Highway 30, south of the
6 Interstate described in subparagraph (A).”.

7 **SEC. 1628. GUIDANCE ON INUNDATED AND SUBMERGED**
8 **ROADS.**

9 Upon issuance of guidance issued pursuant to section
10 1228 of the Disaster Recovery Reform Act of 2018 (Public
11 Law 115–254), the Administrator of the Federal Highway
12 Administration, in consultation with the Administrator of
13 the Federal Emergency Management Agency, shall review
14 such guidance and issue guidance regarding repair, res-
15 toration, and replacement of inundated and submerged
16 roads damaged or destroyed by a major disaster declared
17 pursuant to the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5121 et seq.) with
19 respect to roads eligible for assistance under Federal
20 Highway Administration programs.

21 **SEC. 1629. AIRPORT INNOVATIVE FINANCING TECHNIQUES.**

22 (a) IN GENERAL.—Section 47135 of title 49, United
23 States Code, is amended to read as follows:

1 **“§ 47135. Innovative financing techniques**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 may approve an application by an airport sponsor to use
4 grants received under this subchapter for innovative fi-
5 nancing techniques related to an airport development
6 project. Such projects shall be located at airports that are
7 not large hub airports. The Secretary may not approve
8 more than 30 applications under this section in a fiscal
9 year.

10 “(b) PURPOSES.—The purpose of grants made under
11 this section shall be—

12 “(1) to provide information on using innovative
13 financing techniques for airport development
14 projects;

15 “(2) to lower the total cost of an airport devel-
16 opment project; or

17 “(3) to safely expedite the delivery or comple-
18 tion of an airport development project.

19 “(c) LIMITATIONS.—

20 “(1) NO GUARANTEES.—In no case shall the
21 implementation of an innovative financing technique
22 under this section be used in a manner giving rise
23 to a direct or indirect guarantee of any airport debt
24 instrument by the United States Government.

25 “(2) TYPES OF TECHNIQUES.—In this section,
26 innovative financing techniques are limited to—

1 “(A) payment of interest;

2 “(B) commercial bond insurance and other
3 credit enhancement associated with airport
4 bonds for eligible airport development;

5 “(C) flexible non-Federal matching re-
6 quirements;

7 “(D) use of funds apportioned under sec-
8 tion 47114 for the payment of principal and in-
9 terest of terminal development for costs in-
10 curred before the date of the enactment of this
11 section; and

12 “(E) such other techniques that the Sec-
13 retary approves as consistent with the purposes
14 of this section.”.

15 (b) IMMEDIATE APPLICABILITY.—Section 1001 of
16 this division shall not apply to this section and the amend-
17 ments made by this section.

18 **SEC. 1630. SMALL AIRPORT LETTERS OF INTENT.**

19 (a) IN GENERAL.—Section 47110(e) of title 49,
20 United States Code, is amended—

21 (1) in paragraph (1) by striking “at a primary
22 or reliever airport”;

23 (2) in paragraph (2) by—

1 (A) redesignating subparagraphs (A)
2 through (C) as subparagraphs (B) through (D),
3 respectively; and

4 (B) inserting after the matter preceding
5 subparagraph (B) (as redesignated by this sec-
6 tion) the following:

7 “(A) at an airport that is—

8 “(i) a medium or large hub airport;

9 “(ii) a small or nonhub airport; or

10 “(iii) an airport that is not a primary
11 airport and is not listed as having an un-
12 classified status under the most recent
13 plan described under section 47103;”;

14 (3) in paragraph (2)(D) (as redesignated by
15 this section) by striking “47115(d)” and all that fol-
16 lows through the end of the subparagraph and in-
17 serting “47115(d).”;

18 (4) by striking paragraph (5) and inserting the
19 following:

20 “(5) REQUIREMENTS.—

21 “(A) IN GENERAL.—The Secretary may
22 not require an eligible agency to impose a pas-
23 senger facility charge under section 40117 in
24 order to obtain a letter of intent under this sec-
25 tion.

1 “(B) REQUIREMENTS.—For sponsors of
2 airports described in clauses (ii) and (iii) of
3 paragraph (2)(A), prior to issuing a letter of in-
4 tent under this paragraph, the Secretary—

5 “(i) may not schedule reimbursements
6 to more than 20 sponsors for any fiscal
7 year;

8 “(ii) may permit allowable project
9 costs under paragraph (1) to include costs
10 associated with making payments for debt
11 service on indebtedness incurred to carry
12 out the project;

13 “(iii) may not obligate more than the
14 total amount reasonably expected to be ap-
15 portioned to the airport under section
16 47114 over the following 10 fiscal years;

17 “(iv) shall consider the sponsor’s
18 grant performance history;

19 “(v) shall require the sponsor to pro-
20 vide a certificate affirming the sponsor has
21 the legal ability and capacity to incur debt;
22 and

23 “(vi) may consider other factors, as
24 considered appropriate by the Secretary.”;
25 and

1 (5) in the heading of paragraph (7) by striking
2 “PARTNERSHIP PROGRAM AIRPORTS” and inserting
3 “PARTNERSHIP PROGRAM AIRPORTS”.

4 (b) IMMEDIATE APPLICABILITY.—Section 1001 of
5 this division shall not apply to this section and the amend-
6 ments made by this section.

7 **SEC. 1631. DRY BULK WEIGHT TOLERANCE.**

8 Section 127 of title 23, United States Code, is
9 amended by adding at the end the following:

10 “(v) DRY BULK WEIGHT TOLERANCE.—

11 “(1) DEFINITION OF DRY BULK GOODS.—In
12 this subsection, the term ‘dry bulk goods’ means any
13 homogeneous unmarked nonliquid cargo being trans-
14 ported in a trailer specifically designed for that pur-
15 pose.

16 “(2) WEIGHT TOLERANCE.—Notwithstanding
17 any other provision of this section, except for the
18 maximum gross vehicle weight limitation, a commer-
19 cial motor vehicle transporting dry bulk goods may
20 not exceed 110 percent of the maximum weight on
21 any axle or axle group described in subsection (a),
22 including any enforcement tolerance.”.

1 **TITLE II—PUBLIC**
2 **TRANSPORTATION**
3 **Subtitle A—Federal Transit**
4 **Administration**

5 **SEC. 2101. AUTHORIZATIONS.**

6 (a) IN GENERAL.—Section 5338 of title 49, United
7 States Code, is amended to read as follows:

8 **“§ 5338. Authorizations**

9 “(a) GRANTS.—

10 “(1) IN GENERAL.—There shall be available
11 from the Mass Transit Account of the Highway
12 Trust Fund to carry out sections 5305, 5307, 5308,
13 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335,
14 5337, 5339, and 5340—

15 “(A) \$16,185,800,000 for fiscal year 2022;

16 “(B) \$16,437,600,000 for fiscal year 2023;

17 “(C) \$16,700,600,000 for fiscal year 2024;

18 and

19 “(D) \$16,963,600,000 for fiscal year
20 2025.

21 “(2) ALLOCATION OF FUNDS.—Of the amounts
22 made available under paragraph (1)—

23 “(A) \$189,879,151 for fiscal year 2022,

24 \$192,841,266 for fiscal year 2023,

25 \$195,926,726 for fiscal year 2024, and

1 \$199,002,776 for fiscal year 2025, shall be
2 available to carry out section 5305;

3 “(B) \$7,505,830,848 for fiscal year 2022,
4 \$7,622,921,809 for fiscal year 2023,
5 \$7,744,888,558 for fiscal year 2024, and
6 \$7,866,483,309 for fiscal year 2025 shall be al-
7 located in accordance with section 5336 to pro-
8 vide financial assistance for urbanized areas
9 under section 5307;

10 “(C) \$101,510,000 for fiscal year 2022,
11 \$103,093,556 for fiscal year 2023,
12 \$104,743,053 for fiscal year 2024, and
13 \$106,387,519 for fiscal year 2025 shall be
14 available for grants under section 5308;

15 “(D) \$434,830,298 for fiscal year 2022,
16 \$441,613,651 for fiscal year 2023,
17 \$448,679,469 for fiscal year 2024, and
18 \$455,723,737 for fiscal year 2025 shall be
19 available to carry out section 5310, of which
20 not less than—

21 “(i) \$5,075,500 for fiscal year 2022,
22 \$5,154,678 for fiscal year 2023,
23 \$5,237,153 for fiscal year 2024, and
24 \$5,319,376 for fiscal year 2025 shall be
25 available to carry out section 5310(j); and

1 “(ii) \$20,302,000 for fiscal year 2022,
2 \$20,618,711 for fiscal year 2023,
3 \$20,948,611 for fiscal year 2024, and
4 \$21,277,504 for fiscal year 2025 shall be
5 available to carry out section 5310(k);

6 “(E) \$1,025,199,724 for fiscal year 2022,
7 \$1,041,192,839 for fiscal year 2023,
8 \$1,057,851,925 for fiscal year 2024, and
9 \$1,074,460,200 for fiscal year 2025 shall be
10 available to carry out section 5311, of which
11 not less than—

12 “(i) \$55,679,500 for fiscal year 2022,
13 \$56,392,100 for fiscal year 2023,
14 \$57,134,374 for fiscal year 2024, and
15 \$57,874,383 for fiscal year 2025 shall be
16 available to carry out section 5311(c)(1);
17 and

18 “(ii) \$50,755,000 for fiscal year 2022,
19 \$51,546,778 for fiscal year 2023,
20 \$52,371,526 for fiscal year 2024, and
21 \$53,193,759 for fiscal year 2025 shall be
22 available to carry out section 5311(e)(2);

23 “(F) \$33,498,300 for fiscal year 2022,
24 \$34,020,873 for fiscal year 2023, \$34,565,207
25 for fiscal year 2024, and \$35,107,881 for fiscal

1 year 2025 shall be available to carry out section
2 5312, of which not less than—

3 “(i) \$5,075,500 for fiscal year 2022,
4 \$5,154,678 for fiscal year 2023,
5 \$5,237,153 for fiscal year 2024, and
6 \$5,319,376 for fiscal year 2025 shall be
7 available to carry out each of sections
8 5312(d)(3), 5312(d)(4) and 5312(j);

9 “(ii) \$3,045,300 for fiscal year 2022,
10 \$3,092,807 for fiscal year 2023,
11 \$3,142,292 for fiscal year 2024, and
12 \$3,191,626 for fiscal year 2025 shall be
13 available to carry out section 5312(h); and

14 “(iii) \$10,151,000 for fiscal year
15 2022, \$10,309,356 for fiscal year 2023,
16 \$10,474,305 for fiscal year 2024, and
17 \$10,638,752 for fiscal year 2025 shall be
18 available to carry out section 5312(i);

19 “(G) \$23,347,300 for fiscal year 2022,
20 \$23,711,518 for fiscal year 2023, \$24,090,902
21 for fiscal year 2024, and \$24,469,129 for fiscal
22 year 2025 shall be available to carry out section
23 5314, of which not less than—

24 “(i) \$4,060,400 for fiscal year 2022,
25 \$4,123,742 for fiscal year 2023,

1 \$4,189,722 for fiscal year 2024, and
2 \$4,255,501 for fiscal year 2025 shall be
3 available to carry out section of 5314(a);

4 “(ii) \$5,075,500 for fiscal year 2022,
5 \$5,154,678 for fiscal year 2023,
6 \$5,237,153 for fiscal year 2024, and
7 \$5,319,376 for fiscal year 2025 shall be
8 available to carry out section 5314(c); and

9 “(iii) \$12,181,200 for fiscal year
10 2022, \$12,371,227 for fiscal year 2023,
11 \$12,569,166 for fiscal year 2024, and
12 \$12,766,502 for fiscal year 2025 shall be
13 available to carry out section 5314(b)(2);

14 “(H) \$5,075,500 for fiscal year 2022,
15 \$5,154,678 for fiscal year 2023, \$5,237,153 for
16 fiscal year 2024, and \$5,319,376 for fiscal year
17 2025 shall be available to carry out section
18 5318;

19 “(I) \$30,453,000 for fiscal year 2022,
20 \$30,928,067 for fiscal year 2023, \$31,422,916
21 for fiscal year 2024, and \$31,916,256 for fiscal
22 year 2025 shall be available to carry out section
23 5328, of which not less than—

24 “(i) \$25,377,500 for fiscal year 2022,
25 \$25,773,389 for fiscal year 2023,

1 \$26,185,763 for fiscal year 2024, and
2 \$26,596,880 for fiscal year 2025 shall be
3 available to carry out section of 5328(b);
4 and

5 “(ii) \$2,537,750 for fiscal year 2022,
6 \$2,577,339 for fiscal year 2023,
7 \$2,618,576 for fiscal year 2024, and
8 \$2,659,688 for fiscal year 2025 shall be
9 available to carry out section 5328(c);

10 “(J) \$4,060,400 for fiscal year 2022,
11 \$4,123,742 for fiscal year 2023, \$4,189,722 for
12 fiscal year 2024, and \$4,255,501 for fiscal year
13 2025 shall be available to carry out section
14 5335;

15 “(K) \$4,192,573,361 for fiscal year 2022,
16 \$4,266,448,314 for fiscal year 2023,
17 \$4,344,093,870 for fiscal year 2024, and
18 \$4,422,314,724 for fiscal year 2025 shall be
19 available to carry out section 5337;

20 “(L) to carry out the bus formula program
21 under section 5339(a)—

22 “(i) \$1,240,328,213 for fiscal year
23 2022, \$1,259,667,334 for fiscal year 2023,
24 \$1,279,832,171 for fiscal year 2024, and

1 \$1,299,925,536 for fiscal year 2025; ex-
2 cept that

3 “(ii) 15 percent of the amounts under
4 clause (i) shall be available to carry out
5 5339(d);

6 “(M) \$437,080,000 for fiscal year 2022,
7 \$424,748,448 for fiscal year 2023,
8 \$387,944,423 for fiscal year 2024, and
9 \$351,100,151 for fiscal year 2025 shall be
10 available to carry out section 5339(b);

11 “(N) \$375,000,000 for fiscal year 2022,
12 \$400,000,000 for fiscal year 2023,
13 \$450,000,000 for fiscal year 2024, and
14 \$500,000,000 for fiscal year 2025 shall be
15 available to carry out section 5339(c); and

16 “(O) \$587,133,905 for each of fiscal years
17 2022 through 2025 shall be available to carry
18 out section 5340 to provide financial assistance
19 for urbanized areas under section 5307 and
20 rural areas under section 5311, of which—

21 “(i) \$309,688,908 for each of fiscal
22 years 2022 through 2025 shall be for
23 growing States under section 5340(c); and

1 “(ii) \$277,444,997 for each of fiscal
2 years 2022 through 2025 shall be for high
3 density States under section 5340(d).

4 “(b) CAPITAL INVESTMENT GRANTS.—There are au-
5 thorized to be appropriated to carry out section 5309
6 \$3,500,000,000 for fiscal year 2022, \$4,250,000,000 for
7 fiscal year 2023, \$5,000,000,000 for fiscal year 2024, and
8 5,500,000,000 for fiscal year 2025.

9 “(c) ADMINISTRATION.—

10 “(1) IN GENERAL.—There are authorized to be
11 appropriated to carry out section 5334,
12 \$142,060,785 for fiscal year 2022, \$144,191,696 for
13 fiscal year 2023, \$146,412,248 for fiscal year 2024,
14 and 148,652,356 for fiscal year 2025.

15 “(2) SECTION 5329.—Of the amounts author-
16 ized to be appropriated under paragraph (1), not
17 less than \$6,000,000 for each of fiscal years 2022
18 through 2025 shall be available to carry out section
19 5329.

20 “(3) SECTION 5326.—Of the amounts made
21 available under paragraph (2), not less than
22 \$2,500,000 for each of fiscal years 2022 through
23 2025 shall be available to carry out section 5326.

24 “(d) OVERSIGHT.—

1 “(1) IN GENERAL.—Of the amounts made
2 available to carry out this chapter for a fiscal year,
3 the Secretary may use not more than the following
4 amounts for the activities described in paragraph
5 (2):

6 “(A) 0.5 percent of amounts made avail-
7 able to carry out section 5305.

8 “(B) 0.75 percent of amounts made avail-
9 able to carry out section 5307.

10 “(C) 1 percent of amounts made available
11 to carry out section 5309.

12 “(D) 1 percent of amounts made available
13 to carry out section 601 of the Passenger Rail
14 Investment and Improvement Act of 2008
15 (Public Law 110–432; 126 Stat. 4968).

16 “(E) 0.5 percent of amounts made avail-
17 able to carry out section 5310.

18 “(F) 0.5 percent of amounts made avail-
19 able to carry out section 5311.

20 “(G) 1 percent of amounts made available
21 to carry out section 5337, of which not less
22 than 25 percent of such amounts shall be avail-
23 able to carry out section 5329 and of which not
24 less than 10 percent of such amounts shall be
25 made available to carry out section 5320.

1 “(H) 1 percent of amounts made available
2 to carry out section 5339 of which not less than
3 10 percent of such amounts shall be made
4 available to carry out section 5320.

5 “(I) 1 percent of amounts made available
6 to carry out section 5308.

7 “(2) ACTIVITIES.—The activities described in
8 this paragraph are as follows:

9 “(A) Activities to oversee the construction
10 of a major capital project.

11 “(B) Activities to review and audit the
12 safety and security, procurement, management,
13 and financial compliance of a recipient or sub-
14 recipient of funds under this chapter.

15 “(C) Activities to provide technical assist-
16 ance generally, and to provide technical assist-
17 ance to correct deficiencies identified in compli-
18 ance reviews and audits carried out under this
19 section.

20 “(3) GOVERNMENT SHARE OF COSTS.—The
21 Government shall pay the entire cost of carrying out
22 a contract under this subsection/activities described
23 in paragraph (2).

24 “(4) AVAILABILITY OF CERTAIN FUNDS.—
25 Funds made available under paragraph (1)(C) shall

1 be made available to the Secretary before allocating
2 the funds appropriated to carry out any project
3 under a full funding grant agreement.

4 “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

5 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
6 FUND.—A grant or contract that is approved by the
7 Secretary and financed with amounts made available
8 from the Mass Transit Account of the Highway
9 Trust Fund pursuant to this section is a contractual
10 obligation of the Government to pay the Government
11 share of the cost of the project.

12 “(2) GRANTS FINANCED FROM GENERAL
13 FUND.—A grant or contract that is approved by the
14 Secretary and financed with amounts appropriated
15 in advance from the general fund of the Treasury
16 pursuant to this section is a contractual obligation
17 of the Government to pay the Government share of
18 the cost of the project only to the extent that
19 amounts are appropriated for such purpose by an
20 Act of Congress.

21 “(f) AVAILABILITY OF AMOUNTS.—Amounts made
22 available by or appropriated under this section shall re-
23 main available until expended.”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) Section 5311 of title 49, United States
2 Code, is amended by striking “5338(a)(2)(F)” and
3 inserting “5338(a)(2)(E)”.

4 (2) Section 5312(i)(1) of title 49, United States
5 Code, is amended by striking “5338(a)(2)(G)(ii)”
6 and inserting “5338(a)(2)(F)(iii)”.

7 (3) Section 5333(b) of title 49, United States
8 Code, is amended by striking “5328, 5337, and
9 5338(b)” each place it appears and inserting “and
10 5337”.

11 (4) Section 5336 of title 49, United States
12 Code, is amended—

13 (A) in subsection (d)(1) by striking
14 “5338(a)(2)(C)” and inserting
15 “5338(a)(2)(B)”; and

16 (B) in subsection (h) by striking
17 “5338(a)(2)(C)” and inserting
18 “5338(a)(2)(B)”.

19 (5) Subsections (e) and (d)(1) of section 5327
20 of title 49, United States Code, are amended by
21 striking “5338(f)” and inserting “5338(d)”.

22 (6) Section 5340(b) of title 49, United States
23 Code, is amended by striking “5338(b)(2)(N)” and
24 inserting “5338(a)(2)(O)”.

1 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

2 Section 5302 of title 49, United States Code, is
3 amended—

4 (1) in paragraph (1)(E)—

5 (A) by striking “and the installation” and
6 inserting “, the installation”; and

7 (B) by inserting “, and bikeshare projects”
8 after “public transportation vehicles”;

9 (2) in paragraph (3)—

10 (A) in subparagraph (G) by striking clause
11 (iii) and inserting the following:

12 “(iii) provides a fair share of revenue
13 established by the Secretary that will be
14 used for public transportation, except for a
15 joint development that is a community
16 service (as defined by the Federal Transit
17 Administration), publicly operated facility,
18 or offers a minimum of 50 percent of units
19 as affordable housing, meaning legally
20 binding affordability restricted housing
21 units available to tenants with incomes
22 below 60 percent of the area median in-
23 come or owners with incomes below the
24 area median;” and

25 (B) in subparagraph (N)—

1 (i) by striking “no emission” and in-
2 serting “zero emission”; and

3 (ii) by striking “(as defined in section
4 5339(c))”; and

5 (3) by adding at the end the following:

6 “(25) RESILIENCE.—

7 “(A) IN GENERAL.—The term ‘resilience’
8 means, with respect to a facility, the ability
9 to—

10 “(i) anticipate, prepare for, or adapt
11 to conditions; or

12 “(ii) withstand, respond to, or recover
13 rapidly from disruptions.

14 “(B) INCLUSIONS.—Such term includes,
15 with respect to a facility, the ability to—

16 “(i) resist hazards or withstand im-
17 pacts from disruptions;

18 “(ii) reduce the magnitude, duration,
19 or impact of a disruption; or

20 “(iii) have the absorptive capacity,
21 adaptive capacity, and recoverability to de-
22 crease vulnerability to a disruption.

23 “(26) ASSAULT ON A TRANSIT WORKER.—The
24 term ‘assault on a transit worker’ means any cir-
25 cumstance in which an individual knowingly, without

1 lawful authority or permission, and with intent to
2 endanger the safety of any individual, or with a
3 reckless disregard for the safety of human life, inter-
4 feres with, disables, or incapacitates any transit
5 worker while the transit worker is performing his or
6 her duties.”.

7 **SEC. 2103. GENERAL PROVISIONS.**

8 Section 5323 of title 49, United States Code, is
9 amended—

10 (1) in subsection (d)—

11 (A) in paragraph (1) by striking “urban
12 area” and inserting “urbanized area”;

13 (B) by adding at the end the following:

14 “(3) EXCEPTIONS.—This subsection shall not
15 apply to financial assistance under this chapter—

16 “(A) in which the non-Federal share of
17 project costs are provided from amounts re-
18 ceived under a service agreement with a State
19 or local social service agency or private social
20 service organization pursuant to section
21 5307(d)(3)(E) or section 5311(g)(3)(C);

22 “(B) provided to a recipient or sub-
23 recipient whose sole receipt of such assistance
24 derives from section 5310; or

1 “(C) provided to a recipient operating a
2 fixed route service that is—

3 “(i) for a period of less than 30 days;

4 “(ii) accessible to the public;

5 “(iii) contracted by a local govern-
6 ment entity that provides local cost share
7 to the recipient; and

8 “(iv) not contracted for the purposes
9 of a convention or on behalf of a conven-
10 tion and visitors bureau.

11 “(4) GUIDELINES.—The Secretary shall publish
12 guidelines for grant recipients and private bus oper-
13 ators that clarify when and how a transit agency
14 may step back and provide the service in the event
15 a registered charter provider does not contact the
16 customer, provide a quote, or provide the service.”;

17 (2) in subsection (h)—

18 (A) in paragraph (1) by adding “or” at the
19 end; and

20 (B) by striking paragraph (2) and redesignig-
21 nating paragraph (3) as paragraph (2);

22 (3) by striking subsection (j) and inserting the
23 following:

24 “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

1 “(1) IN GENERAL.—The Secretary shall ensure
2 that an individual who believes that he or she, or a
3 specific class in which the individual belongs, has
4 been subjected to discrimination on the basis of dis-
5 ability by a State or local governmental entity, pri-
6 vate nonprofit organization, or Tribe that operates a
7 public transportation service and is a recipient or
8 subrecipient of funds under this chapter, may, by
9 the individual or by an authorized representative, file
10 a complaint with the Department of Transportation.

11 “(2) PROCEDURES.—Not later than 1 year
12 after the date of enactment of the INVEST in
13 America Act, the Secretary shall implement proce-
14 dures that allow an individual to submit a complaint
15 described in paragraph (1) by phone, mail-in form,
16 and online through the website of the Office of Civil
17 Rights of the Federal Transit Administration.

18 “(3) NOTICE TO INDIVIDUALS WITH DISABIL-
19 ITIES.—Not later than 12 months after the date of
20 enactment of the INVEST in America Act, the Sec-
21 retary shall require that each public transit provider
22 and contractor providing paratransit services shall
23 include on a publicly available website of the service
24 provider, any related mobile device application, and
25 online service—

1 “(A) notice that an individual can file a
2 disability-related complaint with the local tran-
3 sit agency and the process and any timelines for
4 filing such a complaint;

5 “(B) the telephone number, or a com-
6 parable electronic means of communication, for
7 the disability assistance hotline of the Office of
8 Civil Rights of the Federal Transit Administra-
9 tion;

10 “(C) notice that a consumer can file a dis-
11 ability related complaint with the Office of Civil
12 Rights of the Federal Transit Administration;
13 and

14 “(D) an active link to the website of the
15 Office of Civil Rights of the Federal Transit
16 Administration for an individual to file a dis-
17 ability-related complaint.

18 “(4) INVESTIGATION OF COMPLAINTS.—Not
19 later than 60 days after the last day of each fiscal
20 year, the Secretary shall publish a report that lists
21 the disposition of complaints described in paragraph
22 (1), including—

23 “(A) the number and type of complaints
24 filed with Department of Transportation;

1 “(B) the number of complaints inves-
2 tigated by the Department;

3 “(C) the result of the complaints that were
4 investigated by the Department including
5 whether the complaint was resolved—

6 “(i) informally;

7 “(ii) by issuing a violation through a
8 noncompliance Letter of Findings; or

9 “(iii) by other means, which shall be
10 described; and

11 “(D) if a violation was issued for a com-
12 plaint, whether the Department resolved the
13 noncompliance by—

14 “(i) reaching a voluntary compliance
15 agreement with the entity;

16 “(ii) referring the matter to the Attor-
17 ney General; or

18 “(iii) by other means, which shall be
19 described.

20 “(5) REPORT.—The Secretary shall, upon im-
21 plementation of this section and annually thereafter,
22 submit to the Committee on Transportation and In-
23 frastructure of the House of Representatives, the
24 Committee on Banking, Housing, and Urban Affairs
25 of the Senate, and make publicly available a report

1 containing the information collected under this sec-
2 tion.”;

3 (4) by striking subsection (m) and inserting the
4 following:

5 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
6 ROLLING STOCK PURCHASES.—The Secretary shall pre-
7 scribe regulations requiring a preaward and postdelivery
8 review of a grant under this chapter to buy rolling stock
9 to ensure compliance with bid specifications requirements
10 of grant recipients under this chapter. Under this sub-
11 section, grantee inspections and review are required, and
12 a manufacturer certification is not sufficient.”; and

13 (5) in subsection (r)—

14 (A) by inserting “or beneficial” after “det-
15 rimental”;

16 (B) by striking the period at the end and
17 inserting “; and”;

18 (C) by striking “under this chapter may
19 not deny” and inserting the following: “under
20 this chapter—

21 “(1) may not deny”; and

22 (D) by adding at the end the following:

23 “(2) shall respond to any request for reasonable
24 access within 75 days of the receipt of the request.”.

1 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

2 (a) STATE OF GOOD REPAIR GRANTS.—Section
3 5337(e) of title 49, United States Code, is amended by
4 adding at the end the following:

5 “(3) ACCESSIBILITY COSTS.—Notwithstanding
6 paragraph (1), the Federal share of the net project
7 cost of a project to provide accessibility in compli-
8 ance with the Americans with Disabilities Act of
9 1990 (42 U.S.C. 12101 et seq.) shall be 90 per-
10 cent.”.

11 (b) APPORTIONMENTS BASED ON GROWING STATES
12 AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-
13 tion 5340(a) of title 49, United States Code, is amended
14 by inserting “and the District of Columbia” after “United
15 States”.

16 (c) TECHNICAL ASSISTANCE AND WORKFORCE DE-
17 VELOPMENT.—Section 5314 of title 49, United States
18 Code, is amended—

19 (1) in subsection (a)(1)(B)—

20 (A) in clause (i) by striking “; and” and
21 inserting a semicolon;

22 (B) in clause (ii) by striking the period
23 and inserting “; and”; and

24 (C) by adding at the end the following:

1 “(iii) technical assistance to assist re-
2 cipients with the impacts of a new census
3 count.”; and

4 (2) in subsection (c)(4)(A) by inserting “,
5 5311” after “5307”.

6 (d) NATIONAL TRANSIT DATABASE.—Section 5335
7 of title 49, United States Code, is amended—

8 (1) in subsection (a) by inserting “, including
9 information on transit routes and ridership on those
10 routes” after “public sector investment decision”;
11 and

12 (2) in subsection (c) by inserting “, any data on
13 each assault on a transit worker, and pedestrian in-
14 juries and fatalities as a result of an impact with a
15 bus. Each of the data sets shall be publicly reported
16 without aggregating the data with other safety data”
17 after “by the recipient”.

18 (e) URBANIZED AREA FORMULA GRANTS.—Section
19 5307 of title 49, United States Code, is amended—

20 (1) in subsection (a)(2)(A)—

21 (A) in clause (i) by striking “or” at the
22 end; and

23 (B) by adding at the end the following:

24 “(iii) operate a minimum of 101 buses
25 and a maximum of 125 buses in fixed

1 route service or demand response service,
2 excluding ADA complementary paratransit
3 service, during peak service hours, in an
4 amount not to exceed 25 percent of the
5 share of the apportionment which is attrib-
6 utable to such systems within the urban-
7 ized area, as measured by vehicle revenue
8 hours; or”;

9 (2) in subsection (a)(2)(B)—

10 (A) in clause (i) by striking “or” at the
11 end;

12 (B) in clause (ii) by striking the period at
13 the end and inserting “; or”; and

14 (C) by adding at the end the following:

15 “(iii) operate a minimum of 101 buses
16 and a maximum of 125 buses in fixed
17 route service or demand response service,
18 excluding ADA complementary paratransit
19 service, during peak service hours, in an
20 amount not to exceed 25 percent of the
21 share of the apportionment allocated to
22 such systems within the urbanized area, as
23 determined by the local planning process
24 and included in the designated recipient’s

1 final program of projects prepared under
2 subsection (b).”; and

3 (3) in subsection (b)—

4 (A) in paragraph (6) by striking “and” at
5 the end;

6 (B) by redesignating paragraph (7) as
7 paragraph (8); and

8 (C) by inserting after paragraph (6) the
9 following:

10 “(7) ensure that the proposed program of
11 projects provides improved access to transit for the
12 individuals described in section 5336(j); and”.

13 (f) TECHNICAL CORRECTION.—Section
14 5307(a)(2)(B)(ii) of title 49, United States Code, is
15 amended by striking “service during peak” and inserting
16 “service, during peak”.

17 (g) IMPOSITION OF DEADLINE.—Section 5324 of title
18 49, United States Code, is amended by adding at the end
19 the following:

20 “(f) IMPOSITION OF DEADLINE.—

21 “(1) IN GENERAL.—Notwithstanding any other
22 provision of law, the Secretary may not require any
23 project funded under this section to advance to the
24 construction obligation stage before the date that is

1 the last day of the sixth fiscal year after the later
2 of—

3 “(A) the date on which the Governor de-
4 clared the emergency, as described in subsection
5 (d)(1)(A); or

6 “(B) the date on which the President de-
7 clared the emergency to be a major disaster, as
8 described in such subsection.

9 “(2) EXTENSION OF DEADLINE.—If the Sec-
10 retary imposes a deadline for advancement to the
11 construction obligation stage pursuant to paragraph
12 (1), the Secretary may, upon the request of the Gov-
13 ernor of the State, issue an extension of not more
14 than 1 year to complete such advancement, and may
15 issue additional extensions after the expiration of
16 any extension, if the Secretary determines the Gov-
17 ernor of the State has provided suitable justification
18 to warrant such an extension.”.

19 (h) TRANSPORTATION DEVELOPMENT CREDITS AS
20 LOCAL MATCH.—

21 (1) SECTION 5307.—Section 5307(d)(3) of title
22 49, United States Code, is amended—

23 (A) in subparagraph (D) by striking “;
24 and” and inserting a semicolon;

1 (B) in subparagraph (E) by striking the
2 period and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(F) transportation development credits.”.

5 (2) SECTION 5309.—Section 5309 of title 49,
6 United States Code, is amended—

7 (A) in subsection (f) by adding at the end
8 the following:

9 “(3) TRANSPORTATION DEVELOPMENT CRED-
10 ITS.—For purposes of assessments and determina-
11 tions under this subsection or subsection (h), trans-
12 portation development credits that are included as a
13 source of local financing or match shall be treated
14 the same as other sources of local financing.”; and

15 (B) in subsection (l)(4)—

16 (i) in subparagraph (B) by striking “;
17 or” and inserting a semicolon;

18 (ii) in subparagraph (C) by striking
19 the period and inserting “; or”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(D) transportation development credits.”.

23 (3) SECTION 5339.—Section 5339(a)(7)(B) of
24 title 49, United States Code, is amended—

1 (A) in clause (iv) by striking “; or” and in-
2 serting a semicolon;

3 (B) in clause (v) by striking the period and
4 inserting “; or”; and

5 (C) by adding at the end the following:

6 “(vi) transportation development cred-
7 its.”.

8 **SEC. 2105. POLICIES AND PURPOSES.**

9 Section 5301(b) of title 49, United States Code, is
10 amended—

11 (1) in paragraph (7) by striking “; and” and in-
12 serting a semicolon;

13 (2) in paragraph (8) by striking the period and
14 inserting a semicolon; and

15 (3) by adding at the end the following:

16 “(9) reduce the contributions of the surface
17 transportation system to the total carbon pollution
18 of the United States; and

19 “(10) improve the resiliency of the public trans-
20 portation network to withstand weather events and
21 other natural disasters.”.

22 **SEC. 2106. FISCAL YEAR 2022 FORMULAS.**

23 For fiscal year 2022, the Secretary shall apportion
24 and distribute formula funds provided for under chapter

1 53 of title 49, United States Code, using data submitted
2 to the 2019 National Transit Database.

3 **SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.**

4 Section 5303 of title 49, United States Code, is
5 amended—

6 (1) by amending subsection (a)(1) to read as
7 follows:

8 “(1) to encourage and promote the safe and ef-
9 ficient management, operation, and development of
10 surface transportation systems that will serve the
11 mobility needs of people and freight, foster economic
12 growth and development within and between States
13 and urbanized areas, and take into consideration re-
14 siliency and climate change adaptation needs while
15 reducing transportation-related fuel consumption, air
16 pollution, and greenhouse gas emissions through
17 metropolitan and statewide transportation planning
18 processes identified in this chapter; and”.

19 (2) in subsection (b)—

20 (A) by redesignating paragraphs (6) and
21 (7) as paragraphs (7) and (8), respectively; and

22 (B) by inserting after paragraph (5) the
23 following:

1 “(6) STIP.—The term ‘STIP’ means a state-
2 wide transportation improvement program developed
3 by a State under section 135(g).”;

4 (3) in subsection (c)—

5 (A) in paragraph (1) by striking “and
6 transportation improvement programs” and in-
7 serting “and TIPs”; and

8 (B) by adding at the end the following:

9 “(4) CONSIDERATION.—In developing the plans
10 and TIPs, metropolitan planning organizations shall
11 consider direct and indirect emissions of greenhouse
12 gases.”;

13 (4) in subsection (d)—

14 (A) in paragraph (2) by striking “Not
15 later than 2 years after the date of enactment
16 of the Federal Public Transportation Act of
17 2012, each” and inserting “Each”;

18 (B) in paragraph (3) by adding at the end
19 the following:

20 “(D) CONSIDERATIONS.—

21 “(i) EQUITABLE AND PROPORTIONAL
22 REPRESENTATION.—In designating offi-
23 cials or representatives under paragraph
24 (2), the metropolitan planning organization
25 shall consider the equitable and propor-

1 tional representation of the population of
2 the metropolitan planning area.

3 “(ii) SAVINGS CLAUSE.—Nothing in
4 this paragraph shall require a metropolitan
5 planning organization in existence on the
6 date of enactment of this subparagraph to
7 be restructured.

8 “(iii) REDESIGNATION.—Notwith-
9 standing clause (ii), the requirements of
10 this paragraph shall apply to any metro-
11 politan planning organization redesignated
12 under paragraph (6).”;

13 (C) in paragraph (6)(B) by striking “para-
14 graph (2)” and inserting “paragraphs (2) or
15 (3)(D)”; and

16 (D) in paragraph (7)—

17 (i) by striking “an existing metropoli-
18 tan planning area” and inserting “an ur-
19 banized area”; and

20 (ii) by striking “the existing metro-
21 politan planning area” and inserting “the
22 area”;

23 (5) in subsection (g)—

1 (A) in paragraph (1) by striking “a metro-
2 politan area” and inserting “an urbanized
3 area”;

4 (B) in paragraph (2) by striking “MPOS”
5 and inserting “METROPOLITAN PLANNING
6 AREAS”

7 (C) in paragraph (3)(A) by inserting
8 “emergency response and evacuation, climate
9 change adaptation and resilience,” after “dis-
10 aster risk reduction,”; and

11 (D) by adding at the end the following:

12 “(4) COORDINATION BETWEEN MPOS.—

13 “(A) IN GENERAL.—If more than 1 metro-
14 politan planning organization is designated
15 within an urbanized area under subsection
16 (d)(7), the metropolitan planning organizations
17 designated within the area shall ensure, to the
18 maximum extent practicable, the consistency of
19 any data used in the planning process, includ-
20 ing information used in forecasting travel de-
21 mand.

22 “(B) SAVINGS CLAUSE.—Nothing in this
23 paragraph requires metropolitan planning orga-
24 nizations designated within a single urbanized
25 area to jointly develop planning documents, in-

1 including a unified long-range transportation plan
2 or unified TIP.”;

3 (6) in subsection (h)(1)—

4 (A) by striking subparagraph (E) and in-
5 serting the following:

6 “(E) protect and enhance the environment,
7 promote energy conservation, reduce greenhouse
8 gas emissions, improve the quality of life and
9 public health, and promote consistency between
10 transportation improvements and State and
11 local planned growth and economic development
12 patterns, including housing and land use pat-
13 terns;”;

14 (B) in subparagraph (H) by striking
15 “and” at the end;

16 (C) in subparagraph (I) by striking the pe-
17 riod at the end and inserting “and reduce or
18 mitigate stormwater, sea level rise, extreme
19 weather, and climate change impacts of surface
20 transportation;”; and

21 (D) by inserting after subparagraph (I) the
22 following:

23 “(J) facilitate emergency management, re-
24 sponse, and evacuation and hazard mitigation;

1 “(K) improve the level of transportation
2 system access; and

3 “(L) support inclusive zoning policies and
4 land use planning practices that incentivize af-
5 fordable, elastic, and diverse housing supply, fa-
6 cilitate long-term economic growth by improving
7 the accessibility of housing to jobs, and prevent
8 high housing costs from displacing economically
9 disadvantaged households.”;

10 (7) in subsection (h)(2) by striking subpara-
11 graph (A) and inserting the following:

12 “(A) IN GENERAL.—Through the use of a
13 performance-based approach, transportation in-
14 vestment decisions made as a part of the metro-
15 politan transportation planning process shall
16 support the national goals described in section
17 150(b), the achievement of metropolitan and
18 statewide targets established under section
19 150(d), the improvement of transportation sys-
20 tem access (consistent with section 150(f)), and
21 the general purposes described in section 5301
22 of title 49.”;

23 (8) in subsection (i)—

24 (A) in paragraph (1) by striking “(i) IN
25 GENERAL” and all that follows through “every

1 5 years” and inserting “The metropolitan plan-
2 ning organization shall prepare and update
3 such plan every 4 years”;

4 (B) in paragraph (2)(D)(i) by inserting
5 “reduce greenhouse gas emissions and” before
6 “restore and maintain”;

7 (C) in paragraph (2)(G) by inserting “and
8 climate change” after “infrastructure to natural
9 disasters”;

10 (D) in paragraph (2)(H) by inserting
11 “greenhouse gas emissions,” after “pollution,”;

12 (E) in paragraph (5)—

13 (i) in subparagraph (A) by inserting
14 “air quality, public health, housing, trans-
15 portation, resilience, hazard mitigation,
16 emergency management,” after “conserva-
17 tion,”; and

18 (ii) by striking subparagraph (B) and
19 inserting the following:

20 “(B) ISSUES.—The consultation shall in-
21 volve, as appropriate, comparison of transpor-
22 tation plans to other relevant plans, including,
23 if available—

24 “(i) State conservation plans or maps;

25 and

1 “(ii) inventories of natural or historic
2 resources.”; and

3 (F) by amending paragraph (6)(C) to read
4 as follows:

5 “(C) METHODS.—

6 “(i) IN GENERAL.—In carrying out
7 subparagraph (A), the metropolitan plan-
8 ning organization shall, to the maximum
9 extent practicable—

10 “(I) hold any public meetings at
11 convenient and accessible locations
12 and times;

13 “(II) employ visualization tech-
14 niques to describe plans; and

15 “(III) make public information
16 available in electronically accessible
17 format and means, such as the World
18 Wide Web, as appropriate to afford
19 reasonable opportunity for consider-
20 ation of public information under sub-
21 paragraph (A).

22 “(ii) ADDITIONAL METHODS.—In ad-
23 dition to the methods described in clause
24 (i), in carrying out subparagraph (A), the

1 metropolitan planning organization shall,
2 to the maximum extent practicable—

3 “(I) use virtual public involve-
4 ment, social media, and other web-
5 based tools to encourage public par-
6 ticipation and solicit public feedback;
7 and

8 “(II) use other methods, as ap-
9 propriate, to further encourage public
10 participation of historically underrep-
11 resented individuals in the transpor-
12 tation planning process.”;

13 (9) in subsection (j)—

14 (A) by striking “transportation improve-
15 ment program” and inserting “TIP” each place
16 it appears; and

17 (B) in paragraph (2)(D)—

18 (i) by striking “PERFORMANCE TAR-
19 GET ACHIEVEMENT” and inserting “PER-
20 FORMANCE MANAGEMENT”;

21 (ii) by striking “The TIP” and insert-
22 ing the following:

23 “(i) IN GENERAL.—The TIP”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(ii) TRANSPORTATION MANAGEMENT
2 AREAS.—For metropolitan planning areas
3 that represent an urbanized area des-
4 ignated as a transportation management
5 area under subsection (k), the TIP shall
6 include—

7 “(I) a discussion of the antici-
8 pated effect of the TIP toward achiev-
9 ing the performance targets estab-
10 lished in the metropolitan transpor-
11 tation plan, linking investment prior-
12 ities to such performance targets; and

13 “(II) a description of how the
14 TIP would improve the overall level of
15 transportation system access, con-
16 sistent with section 150(f) of title
17 23.”;

18 (10) in subsection (k)—

19 (A) in paragraph (3)(A)—

20 (i) by striking “shall address conges-
21 tion management” and inserting the fol-
22 lowing: “shall address—

23 “(i) congestion management”;

24 (ii) by striking the period at the end
25 and inserting “; and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(ii) the overall level of transportation
4 system access for various modes of travel
5 within the metropolitan planning area, in-
6 cluding the level of access for economically
7 disadvantaged communities, consistent
8 with section 150(f) of title 23, that is
9 based on a cooperatively developed and im-
10 plemented metropolitan-wide strategy, as-
11 sessing both new and existing transpor-
12 tation facilities eligible for funding under
13 this chapter and title 23.”; and

14 (B) in paragraph (5)(B)—

15 (i) in clause (i) by striking “; and”
16 and inserting a semicolon;

17 (ii) in clause (ii) by striking the pe-
18 riod and inserting “; and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(iii) the TIP approved under clause
22 (ii) improves the level of transportation
23 system access, consistent with section
24 150(f) of title 23.”;

25 (11) in subsection (l)(2)—

1 (A) by striking “5 years after the date of
2 enactment of the Federal Public Transportation
3 Act of 2012” and inserting “2 years after the
4 date of enactment of the INVEST in America
5 Act, and every 2 years thereafter,”;

6 (B) in subparagraph (C) by striking “and
7 whether metropolitan planning organizations
8 are developing meaningful performance targets;
9 and” and inserting a semicolon; and

10 (C) by striking subparagraph (D) and in-
11 serting the following:

12 “(D) a listing of all metropolitan planning
13 organizations that are establishing performance
14 targets and whether such performance targets
15 established by the metropolitan planning orga-
16 nization are meaningful or regressive (as de-
17 fined in section 150(d)(3)(B) of title 23); and

18 “(E) the progress of implementing the
19 measure established under section 150(f) of
20 title 23 and related requirements under this
21 section and section 135 of title 23.”; and

22 (12) by striking “Federally” each place it ap-
23 pears and inserting “federally”.

1 **SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANS-**
2 **PORTATION PLANNING.**

3 Section 5304 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1) by striking “state-
7 wide transportation improvement program” and
8 inserting “STIP”;

9 (B) in paragraph (2)—

10 (i) by striking “The statewide trans-
11 portation plan and the” and inserting the
12 following:

13 “(A) IN GENERAL.—The statewide trans-
14 portation plan and the”;

15 (ii) by striking “transportation im-
16 provement program” and inserting
17 “STIP”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(B) CONSIDERATION.—In developing the
21 statewide transportation plans and STIPs,
22 States shall consider direct and indirect emis-
23 sions of greenhouse gases.”; and

24 (C) in paragraph (3) by striking “trans-
25 portation improvement program” and inserting
26 “STIP”;

1 (2) in subsection (d)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (E)—

4 (I) by inserting “reduce green-
5 house gas emissions,” after “promote
6 energy conservation,”;

7 (II) by inserting “and public
8 health” after “improve the quality of
9 life”; and

10 (III) by inserting “, including
11 housing and land use patterns” after
12 “economic development patterns”;

13 (ii) in subparagraph (H) by striking
14 “and”;

15 (iii) in subparagraph (I) by striking
16 the period at the end and inserting “and
17 reduce or mitigate stormwater, sea level
18 rise, extreme weather, and climate change
19 impacts of surface transportation;”; and

20 (iv) by adding at the end the fol-
21 lowing:

22 “(J) facilitate emergency management, re-
23 sponse, and evacuation and hazard mitigation;

24 “(K) improve the level of transportation
25 system access; and

1 “(L) support inclusive zoning policies and
2 land use planning practices that incentivize af-
3 fordable, elastic, and diverse housing supply, fa-
4 cilitate long-term economic growth by improving
5 the accessibility of housing to jobs, and prevent
6 high housing costs from displacing economically
7 disadvantaged households.”;

8 (B) in paragraph (2)—

9 (i) by striking subparagraph (A) and
10 inserting the following:

11 “(A) IN GENERAL.—Through the use of a
12 performance-based approach, transportation in-
13 vestment decisions made as a part of the state-
14 wide transportation planning process shall sup-
15 port—

16 “(i) the national goals described in
17 section 150(b);

18 “(ii) the consideration of transpor-
19 tation system access (consistent with sec-
20 tion 150(f));

21 “(iii) the achievement of statewide
22 targets established under section 150(c);
23 and

24 “(iv) the general purposes described
25 in section 5301 of title 49.”; and

1 (ii) in subparagraph (D) by striking
2 “statewide transportation improvement
3 program” and inserting “STIP”; and

4 (C) in paragraph (3) by striking “state-
5 wide transportation improvement program” and
6 inserting “STIP”;

7 (3) in subsection (e)(3) by striking “transpor-
8 tation improvement program” and inserting
9 “STIP”;

10 (4) in subsection (f)—

11 (A) in paragraph (2)(D)—

12 (i) in clause (i) by inserting “air qual-
13 ity, public health, housing, transportation,
14 resilience, hazard mitigation, emergency
15 management,” after “conservation,”; and

16 (ii) by amending clause (ii) to read as
17 follows:

18 “(ii) COMPARISON AND CONSIDER-
19 ATION.—Consultation under clause (i)
20 shall involve the comparison of transpor-
21 tation plans to other relevant plans and in-
22 ventories, including, if available—

23 “(I) State and tribal conservation
24 plans or maps; and

1 “(II) inventories of natural or
2 historic resources.”;

3 (B) in paragraph (3)(B)—

4 (i) by striking “In carrying out” and
5 inserting the following:

6 “(i) IN GENERAL.—in carrying out”;

7 (ii) by redesignating clauses (i)
8 through (iv) as subclauses (I) through
9 (IV), respectively; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(ii) ADDITIONAL METHODS.—In ad-
13 dition to the methods described in clause
14 (i), in carrying out subparagraph (A), the
15 State shall, to the maximum extent prac-
16 ticable—

17 “(I) use virtual public involve-
18 ment, social media, and other web-
19 based tools to encourage public par-
20 ticipation and solicit public feedback;
21 and

22 “(II) use other methods, as ap-
23 propriate, to further encourage public
24 participation of historically underrep-

1 resented individuals in the transpor-
2 tation planning process.”;

3 (C) in paragraph (4)(A) by inserting “re-
4 duce greenhouse gas emissions and” after “po-
5 tential to”; and

6 (D) in paragraph (8) by inserting “includ-
7 ing consideration of the role that intercity buses
8 may play in reducing congestion, pollution,
9 greenhouse gas emissions, and energy consump-
10 tion in a cost-effective manner and strategies
11 and investments that preserve and enhance
12 intercity bus systems, including systems that
13 are privately owned and operated” after “trans-
14 portation system”;

15 (5) in subsection (g)—

16 (A) in paragraph (1)(A) by striking “state-
17 wide transportation improvement program” and
18 inserting “STIP”;

19 (B) in paragraph (4)—

20 (i) by striking “PERFORMANCE TAR-
21 GET ACHIEVEMENT” and inserting “PER-
22 FORMANCE MANAGEMENT”;

23 (ii) by striking “shall include, to the
24 maximum extent practicable, a discussion”
25 and inserting the following: “shall include

1 “(A) a discussion”;

2 (iii) by striking the period at the end
3 and inserting “; and”;

4 (iv) by striking “statewide transpor-
5 tation improvement program” and insert-
6 ing “STIP” each place it appears; and

7 (v) by adding at the end the following:

8 “(B) a consideration of how the STIP im-
9 pacts the overall level of transportation system
10 access, consistent with section 150(f) of title
11 23.”;

12 (C) in paragraph (5)—

13 (i) in subparagraph (A) by striking
14 “transportation improvement program”
15 and inserting “STIP”;

16 (ii) in subparagraph (B)(ii) by strik-
17 ing “metropolitan transportation improve-
18 ment program” and inserting “TIP”;

19 (iii) in subparagraph (C) by striking
20 “transportation improvement program”
21 and inserting “STIP” each place it ap-
22 pears;

23 (iv) in subparagraph (E) by striking
24 “transportation improvement program”
25 and inserting “STIP”;

1 (v) in subparagraph (F)(i) by striking
2 “transportation improvement program”
3 and inserting “STIP” each place it ap-
4 pears;

5 (vi) in subparagraph (G)(ii) by strik-
6 ing “transportation improvement program”
7 and inserting “STIP”; and

8 (vii) in subparagraph (H) by striking
9 “transportation improvement program”
10 and inserting “STIP”;

11 (D) in paragraph (6)—

12 (i) in subparagraph (A)—

13 (I) by striking “transportation
14 improvement program” and inserting
15 “STIP”; and

16 (II) by striking “and projects
17 carried out under the bridge program
18 or the Interstate maintenance pro-
19 gram under title 23”; and

20 (ii) in subparagraph (B)—

21 (I) by striking “or under the
22 bridge program or the Interstate
23 maintenance program”;

1 (II) by striking “statewide trans-
2 portation improvement program” and
3 inserting “STIP”;

4 (E) in paragraph (7)—

5 (i) in the heading by striking “TRANS-
6 PORTATION IMPROVEMENT PROGRAM” and
7 inserting “STIP”; and

8 (ii) by striking “transportation im-
9 provement program” and inserting
10 “STIP”;

11 (F) in paragraph (8) by striking “state-
12 wide transportation plans and programs” and
13 inserting “statewide transportation plans and
14 STIPs”; and

15 (G) in paragraph (9) by striking “trans-
16 portation improvement program” and inserting
17 “STIP”;

18 (6) in subsection (h)(2)(A) by striking “Not
19 later than 5 years after the date of enactment of the
20 Federal Public Transportation Act of 2012,” and in-
21 serting “Not less frequently than once every 4
22 years,”;

23 (7) in subsection (j) by striking “transportation
24 improvement program” and inserting “STIP” each
25 place it appears;

1 (8) in subsection (l) by striking “transportation
2 improvement programs” and inserting “STIPs”.

3 **SEC. 2109. OBLIGATION LIMITATION.**

4 Notwithstanding any other provision of law, the total
5 of all obligations from amounts made available from the
6 Mass Transit Account of the Highway Trust Fund by sub-
7 section (a) of section 5338 of title 49, United States Code,
8 shall not exceed—

9 (1) \$16,185,800,000 in fiscal year 2022;

10 (2) \$16,437,600,000 in fiscal year 2023;

11 (3) \$16,700,600,000 in fiscal year 2024; and

12 (4) \$16,963,600,000 in fiscal year 2025.

13 **SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
14 **FUNDS.**

15 Section 5324 of title 49, United States Code, is fur-
16 ther amended by adding at the end the following:

17 “(g) IMPOSITION OF DEADLINE.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law, the Secretary may not require any
20 project funded pursuant to this section to advance to
21 the construction obligation stage before the date
22 that is the last day of the sixth fiscal year after the
23 later of—

1 “(A) the date on which the Governor de-
2 clared the emergency, as described in subsection
3 (a)(2); or

4 “(B) the date on which the President de-
5 clared a major disaster, as described in such
6 subsection.

7 “(2) EXTENSION OF DEADLINE.—If the Sec-
8 retary imposes a deadline for advancement to the
9 construction obligation stage pursuant to paragraph
10 (1), the Secretary may, upon the request of the Gov-
11 ernor of the State, issue an extension of not more
12 than 1 year to complete such advancement, and may
13 issue additional extensions after the expiration of
14 any extension, if the Secretary determines the Gov-
15 ernor of the State has provided suitable justification
16 to warrant an extension.”.

17 **SEC. 2111. GENERAL PROVISIONS.**

18 (a) REASONABLE ACCESS TO PUBLIC TRANSPOR-
19 TATION FACILITIES.—Section 5323(r) of title 49, United
20 States Code, is amended to read as follows:

21 “(r) REASONABLE ACCESS TO PUBLIC TRANSPOR-
22 TATION FACILITIES.—

23 “(1) IN GENERAL.—A recipient of assistance
24 under this chapter may not deny reasonable access
25 for a private or charter transportation operator to

1 federally funded public transportation facilities, in-
2 cluding intermodal facilities, park and ride lots, and
3 bus-only highway lanes. In determining reasonable
4 access, capacity requirements of the recipient of as-
5 sistance and the extent to which access would be
6 detrimental or beneficial to existing public transpor-
7 tation services must be considered. A recipient shall
8 respond to any request for reasonable access within
9 90 days of the receipt of the request.

10 “(2) RESPONSE TO REQUEST.—

11 “(A) IN GENERAL.—If a recipient of as-
12 sistance under this chapter fails to respond to
13 a request within the 90-day period described in
14 paragraph (1), the operator may seek assist-
15 ance from the Secretary to obtain a response.

16 “(B) DENIAL OF ACCESS.—If a recipient
17 of assistance under this chapter denies access
18 to a private intercity or charter transportation
19 operator based on the reasonable access stand-
20 ards provided in paragraph (1), the recipient
21 shall provide, in writing, the reasons for the de-
22 nial.”.

23 (b) WAIVERS AND DEFERRALS; ADMINISTRATIVE
24 OPTION.—Section 5323 of title 49, United States Code,

1 is amended by striking subsection (t) and inserting the
2 following:

3 “(t) WAIVERS AND DEFERRALS; ADMINISTRATIVE
4 OPTION.—

5 “(1) IN GENERAL.—Notwithstanding any other
6 provision of law, the Secretary shall have the author-
7 ity to waive, exempt, defer, or establish a simplified
8 level of compliance for recipients of assistance under
9 this chapter that operate 10 or fewer vehicles in
10 service, or that receive financial assistance under
11 both sections 5307 and 5311 of this chapter.

12 “(2) GUIDANCE REQUIRED.—Not later than
13 180 days of enactment of the INVEST in America
14 Act, the Secretary shall publish guidance for recipi-
15 ents of assistance under this chapter that operate 10
16 or fewer buses in service or that receive financial as-
17 sistance under both of sections 5307 and 5311 con-
18 cerning—

19 “(A) which specific requirements may be
20 considered for waivers, exemptions, deferrals, or
21 simplified levels of compliance by recipients of
22 assistance described in paragraph (1);

23 “(B) the process by which recipients of as-
24 sistance described in paragraph (1) may request

1 such waivers, exemptions, deferrals, or sim-
2 plified levels of compliance;

3 “(C) the criteria by which the Secretary
4 shall evaluate and act upon such requests;

5 “(D) the terms and conditions the Sec-
6 retary shall attach to any waiver, exemption,
7 deferral or simplified level of compliance that is
8 awarded under paragraph (1);

9 “(E) actions the Secretary may take if a
10 recipient fails to comply the terms and condi-
11 tions attached to a waiver, exemption, deferral,
12 or simplified level of compliance that has been
13 awarded under paragraph (1); and

14 “(F) the circumstances under which the
15 Secretary may use this paragraph to award a
16 waiver, exemption, deferral or simplified level of
17 compliance to a recipient of assistance under
18 this chapter and described in this paragraph.

19 “(3) MAINTAIN SAFETY.—The Secretary shall
20 not to take any action under this subsection that
21 would degrade safety to lives or property.

22 “(4) REPORT.—The Secretary shall submit to
23 the Committee of Banking, Housing, and Urban Af-
24 fairs of the Senate and the Committee of Transpor-
25 tation and Infrastructure of the House of Represent-

1 atives an annual report detailing the requests and
2 actions that have been taken under this subsection
3 in the preceding 12 months.”.

4 (c) THRESHOLD FOR THE SALE OF TRANSIT VEHI-
5 CLES AFTER SERVICE LIFE.—Section 5323 of title 49,
6 United States Code, is amended by adding at the end the
7 following:

8 “(w) THRESHOLD FOR THE SALE OF TRANSIT VEHI-
9 CLES AFTER SERVICE LIFE.—Notwithstanding any other
10 provision of law or regulation, for programs under this
11 chapter the threshold amount for transit vehicles after the
12 service life is reached shall be 20 percent of the original
13 acquisition cost of the purchased equipment. For transit
14 vehicles sold for an amount above such amount, the
15 threshold amount shall be retained by the transit agency
16 upon sale of the asset for use by the transit agency for
17 the purpose or operating or capital expenditures, and the
18 remainder shall be remitted to the Secretary and shall be
19 deposited into the Mass Transit Account of the Highway
20 Trust Fund. If such a vehicle is sold for an amount below
21 or equal to the threshold amount, the transit agency shall
22 retain all funds from the sale.”.

23 **SEC. 2112. CERTIFICATION REQUIREMENTS.**

24 The certification requirements described in section
25 661.12 of title 49, Code of Federal Regulations, shall,

1 after the date of enactment of this Act, include a certifi-
2 cation that buses or other rolling stock (including train
3 control, communication and traction power equipment)
4 being procured do not contain or use any covered tele-
5 communications equipment or services, as such term is de-
6 fined by section 889 of the John S. McCain National De-
7 fense Authorization Act for Fiscal Year 2019 (Public Law
8 115–232);

9 **Subtitle B—Improving Frequency**
10 **and Ridership**

11 **SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND**
12 **RIDERSHIP COMPETITIVE GRANTS.**

13 (a) IN GENERAL.—Chapter 53 of title 49, United
14 States Code, is amended by inserting after section 5307
15 the following new section:

16 **“§ 5308. Multi-jurisdictional bus frequency and rider-**
17 **ship competitive grants**

18 “(a) IN GENERAL.—The Secretary shall make grants
19 under this section, on a competitive basis, to eligible re-
20 cipients to increase the frequency and ridership of public
21 transit buses.

22 “(b) APPLICATIONS.—To be eligible for a grant
23 under this section, an eligible recipient shall submit to the
24 Secretary an application at such time, in such manner,

1 and containing such information as the Secretary may re-
2 quire.

3 “(c) APPLICATION TIMING.—Not later than 90 days
4 after amounts are made available to carry out this section,
5 the Secretary shall solicit grant applications from eligible
6 recipients for projects described in subsection (d).

7 “(d) USES OF FUNDS.—An eligible recipient of a
8 grant under this section shall use such grant for capital
9 projects that—

10 “(1) increase—

11 “(A) the frequency of bus service;

12 “(B) bus ridership; and

13 “(C) total person throughput; and

14 “(2) are consistent with, and as described in,
15 the design guidance issued by the National Associa-
16 tion of City Transportation Officials and titled
17 ‘Transit Street Design Guide’.

18 “(e) GRANT CRITERIA.—In making grants under this
19 section, the Secretary shall consider the following:

20 “(1) Each eligible recipient’s projected increase
21 in bus frequency.

22 “(2) Each eligible recipient’s projected increase
23 in bus ridership.

24 “(3) Each eligible recipient’s projected increase
25 in total person throughput.

1 “(4) The degree of regional collaboration de-
2 scribed in each eligible recipient’s application, in-
3 cluding collaboration with—

4 “(A) a local government entity that oper-
5 ates a public transportation service;

6 “(B) local government agencies that con-
7 trol street design;

8 “(C) metropolitan planning organizations
9 (as such term is defined in section 5303); and

10 “(D) State departments of transportation.

11 “(f) GRANT TIMING.—The Secretary shall award
12 grants under this section not later than 120 days after
13 the date on which the Secretary completes the solicitation
14 described in subsection (e).

15 “(g) REQUIREMENTS OF THE SECRETARY.—In car-
16 rying out the program under this section, the Secretary
17 shall—

18 “(1) not later than the date described in sub-
19 section (c), publish in the Federal Register a list of
20 all metrics and evaluation procedures to be used in
21 making grants under this section; and

22 “(2) publish in the Federal Register—

23 “(A) a summary of the final metrics and
24 evaluations used in making grants under this
25 section; and

1 “(B) a list of the ratings of eligible recipi-
2 ents receiving a grant under this section based
3 on such metrics and evaluations.

4 “(h) FEDERAL SHARE.—

5 “(1) IN GENERAL.—The Federal share of the
6 cost of a project carried out under this section shall
7 not exceed 80 percent.

8 “(2) RESTRICTION ON GRANT AMOUNTS.—The
9 Secretary may make a grant for a project under this
10 section in an amount up to 150 percent of the
11 amount—

12 “(A) provided for such project under title
13 23; and

14 “(B) provided for such project from non-
15 Federal funds budgeted for roadways.

16 “(i) REQUIREMENTS OF SECTION 5307.—Except as
17 otherwise provided in this section, a grant under this sec-
18 tion shall be subject to the requirements of section 5307.

19 “(j) AVAILABILITY OF FUNDS.—

20 “(1) IN GENERAL.—Amounts made available to
21 carry out this section shall remain available for 4
22 fiscal years after the fiscal year for which the
23 amount was made available.

24 “(2) UNOBLIGATED AMOUNTS.—After the expi-
25 ration of the period described in paragraph (1) for

1 an amount made available to carry out this section,
2 any unobligated amounts made available to carry out
3 this section shall be added to the amounts made
4 available for the following fiscal year.

5 “(k) ELIGIBLE RECIPIENTS.—In this section, the
6 term ‘eligible recipient’ means a recipient of a grant under
7 section 5307 in an urbanized area with a population great-
8 er than 500,000.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 53 of title 49, United States Code, is amended by in-
11 serting after the item relating to section 5307 the fol-
12 lowing new item:

“5308. Multi-jurisdictional bus frequency and ridership competitive grants.”.

13 **SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-**
14 **MULA.**

15 Section 5336 of title 49, United States Code, is
16 amended—

17 (1) in subsection (b)—

18 (A) in paragraph (2)—

19 (i) in subparagraph (A)—

20 (I) in the matter preceding clause

21 (i) by striking “95.61 percent” and
22 inserting “95 percent”;

23 (II) in clause (i) by striking
24 “95.61 percent” and inserting “95
25 percent”; and

1 (III) in clause (ii) by striking
2 “95.61 percent” and inserting “95
3 percent”; and

4 (ii) in subparagraph (B)—

5 (I) in the matter preceding clause
6 (i) by striking “4.39 percent” and in-
7 serting “5 percent”;

8 (II) in clause (i)—

9 (aa) by inserting “in the
10 highest 25 percent of routes by
11 ridership” before “multiplied
12 by”; and

13 (bb) by striking “vehicle
14 passenger miles traveled for each
15 dollar of operating cost in an
16 area” and inserting “vehicles op-
17 erating in peak revenue service
18 per hour in the highest 25 per-
19 cent of routes by ridership”; and

20 (III) in clause (ii)—

21 (aa) by inserting “in the
22 highest 25 percent of routes by
23 ridership” before “multiplied
24 by”; and

1 (bb) by striking “vehicle
2 passenger miles traveled for each
3 dollar of operating cost in all
4 areas” and inserting “vehicles
5 operating in peak revenue service
6 per hour in the highest 25 per-
7 cent of routes by ridership”; and

8 (B) by adding at the end the following:

9 “(3) SPECIAL RULE.—For fiscal year 2022, the
10 percentage—

11 “(A) in paragraph (2)(A) in the matter
12 preceding clause (i) shall be treated as 100 per-
13 cent; and

14 “(B) in paragraph (2)(B) in the matter
15 preceding clause (i) shall be treated as 0 per-
16 cent.”;

17 (2) in subsection (c)—

18 (A) in paragraph (1) by striking “90.8
19 percent” and inserting “90 percent” each place
20 it appears;

21 (B) in paragraph (2)—

22 (i) by striking “9.2 percent” and in-
23 serting “8 percent”;

24 (ii) by striking “200,000” and insert-
25 ing “500,000”;

1 (iii) by striking subparagraph (A) and
2 inserting the following:

3 “(A) the number of bus passenger miles
4 traveled on the highest 25 percent of routes by
5 ridership multiplied by the number of buses op-
6 erating in peak revenue service per hour on the
7 highest 25 percent of routes by ridership; di-
8 vided by”; and

9 (iv) by striking subparagraph (B) and
10 inserting the following:

11 “(B) the total number of bus passenger
12 miles traveled on the highest 25 percent of
13 routes by ridership multiplied by the total num-
14 ber of buses operating in peak revenue service
15 per hour on the highest 25 percent of routes by
16 ridership in all areas.”; and

17 (C) by adding at the end the following:

18 “(3) 2 percent of the total amount apportioned
19 under this subsection shall be apportioned so that
20 each urbanized area with a population of at least
21 200,000 and less than 500,000 is entitled to receive
22 an amount using the formula in paragraph (1).

23 “(4) For fiscal year 2022, the percentage—

1 “(A) in paragraph (1) in the matter pre-
2 ceding subparagraph (A) shall be treated as
3 100 percent;

4 “(B) in paragraph (2) in the matter pre-
5 ceding subparagraph (A) shall be treated as 0
6 percent; and

7 “(C) in paragraph (3) shall be treated as
8 0 percent.”; and

9 (3) by adding at the end the following:

10 “(k) **PEAK REVENUE SERVICE DEFINED.**—In this
11 section, the term ‘peak revenue service’ means the time
12 period between the time in the morning that an agency
13 first exceeds the number of midday vehicles in revenue
14 service and the time in the evening that an agency falls
15 below the number of midday vehicles in revenue service.”.

16 **SEC. 2203. MOBILITY INNOVATION.**

17 (a) **IN GENERAL.**—Chapter 53 of title 49, United
18 States Code, is amended by inserting after section 5315
19 the following new section:

20 **“§ 5316. Mobility innovation**

21 “(a) **IN GENERAL.**—Amounts made available to a
22 covered recipient to carry out sections 5307, 5310, and
23 5311 may be used by such covered recipient under this
24 section to assist in the financing of—

25 “(1) mobility as a service; and

1 “(2) mobility on demand services.

2 “(b) FEDERAL SHARE.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graphs (2) and (3), the Federal share of the net cost
5 of a project carried out under this section shall not
6 exceed 80 percent.

7 “(2) INSOURCING INCENTIVE.—Notwith-
8 standing paragraph (1), the Federal share of the net
9 cost of a project described in paragraph (1) shall be
10 reduced by 25 percent if the recipient uses a third-
11 party contract for a mobility on demand service.

12 “(3) ZERO EMISSION INCENTIVE.—Notwith-
13 standing paragraph (1), the Federal share of the net
14 cost of a project described in paragraph (1) shall be
15 reduced by 25 percent if such project involves an eli-
16 gible use that uses a vehicle that produces carbon di-
17 oxide or particulate matter.

18 “(c) ELIGIBLE USES.—

19 “(1) IN GENERAL.—The Secretary shall publish
20 guidance describing eligible activities that are dem-
21 onstrated to—

22 “(A) increase transit ridership;

23 “(B) be complementary to fixed route tran-
24 sit service;

1 “(C) demonstrate substantial improve-
2 ments in—

3 “(i) environmental metrics, including
4 standards established pursuant to the
5 Clean Air Act (42 U.S.C. 7401 et seq.)
6 and greenhouse gas performance targets
7 established pursuant to section 150(d) of
8 title 23;

9 “(ii) traffic congestion;

10 “(iii) compliance with the require-
11 ments under the Americans with Disabil-
12 ities Act of 1990 (42 U.S.C. 12101 et
13 seq.);

14 “(iv) low-income service to increase
15 access to employment, healthcare, and
16 other essential services;

17 “(v) service outside of transit agency
18 operating hours, provided that the transit
19 agency operating hours are not reduced;

20 “(vi) new low density service relative
21 to the higher density urban areas of the
22 agency’s service area; and

23 “(vii) rural service.

1 “(D) FARE COLLECTION MODERNIZA-
2 TION.—In developing guidance referred to in
3 this section, the Secretary shall ensure that—

4 “(i) all costs associated with install-
5 ing, modernizing, and managing fare col-
6 lection, including touchless payment sys-
7 tems, shall be considered eligible expenses
8 under this title and subject to the applica-
9 ble Federal share; and

10 “(ii) such guidance includes guidance
11 on how agencies shall provide unbanked
12 and underbanked users with an oppor-
13 tunity to benefit from mobility as a service
14 platforms.

15 “(2) PROHIBITION ON USE OF FUNDS.—
16 Amounts used by a covered recipient for projects eli-
17 gible under this section may not be used for—

18 “(A) single passenger vehicle miles (in a
19 passenger motor vehicle, as such term is de-
20 fined in section 32101, that carries less than 9
21 passengers), unless the trip—

22 “(i) meets the definition of public
23 transportation; and

24 “(ii) begins or completes a fixed route
25 public transportation trip;

1 “(B) deadhead vehicle miles; or

2 “(C) any service considered a taxi service
3 for purposes of section 5331.

4 “(d) FEDERAL REQUIREMENTS.—A project carried
5 out under this section shall be treated as if such project
6 were carried out under the section from which the funds
7 were provided to carry out such project, including the ap-
8 plication of any additional requirements provided for by
9 law that apply to section 5307, 5310, or 5311, as applica-
10 ble.

11 “(e) WAIVER.—

12 “(1) INDIVIDUAL WAIVER.—Except as provided
13 in paragraph (2), the Secretary may waive any re-
14 quirement applied to a project carried out under this
15 section pursuant to subsection (d) if the Secretary
16 determines that the project would—

17 “(A) not undermine labor standards;

18 “(B) increase employment opportunities of
19 the recipient; and

20 “(C) be consistent with the public interest.

21 “(2) WAIVER UNDER OTHER SECTIONS.—The
22 Secretary may not waive any requirement under
23 paragraph (1) for which a waiver is otherwise avail-
24 able.

1 “(3) PROHIBITION OF WAIVER.—Notwith-
2 standing paragraph (1), the Secretary may not
3 waive any requirement of—

4 “(A) section 5333;

5 “(B) section 5331;

6 “(C) section 5302(14); and

7 “(D) chapter 53 that establishes a max-
8 imum Federal share for operating costs.

9 “(4) APPLICATION OF SECTION 5320.—Notwith-
10 standing paragraphs (1) and (2), the Secretary may
11 only waive the requirements of section 5320 with re-
12 spect to—

13 “(A) a passenger vehicle owned by an indi-
14 vidual; and

15 “(B) subsection (q) of such section for any
16 passenger vehicle not owned by an individual
17 for the period beginning on the date of enact-
18 ment of this section and ending 3 years after
19 such date.

20 “(f) OPEN DATA STANDARDS.—

21 “(1) IN GENERAL.—Not later than 90 days
22 after the date of enactment of this section, the Sec-
23 retary shall initiate procedures under subchapter III
24 of chapter 5 of title 5 to develop an open data stand-

1 ard and an application programming interface nec-
2 essary to carry out this section.

3 “(2) REGULATIONS.—The regulations required
4 under paragraph (1) shall require public transpor-
5 tation agencies, mobility on demand providers, mo-
6 bility as a service technology providers, other non-
7 government actors, and local governments the effi-
8 cient means to transfer data to—

9 “(A) foster the efficient use of transpor-
10 tation capacity;

11 “(B) enhance the management of new
12 modes of mobility;

13 “(C) enable the use of innovative planning
14 tools;

15 “(D) enable single payment systems for all
16 mobility on demand services;

17 “(E) establish metropolitan planning orga-
18 nization, State, and local government access to
19 anonymized data for transportation planning,
20 real time operations data, and rules;

21 “(F) safeguard personally identifiable in-
22 formation;

23 “(G) protect confidential business informa-
24 tion; and

25 “(H) enhance cybersecurity protections.

1 “(3) PROHIBITION ON FOR PROFIT ACTIVITY.—

2 Any data received by an entity under this subsection
3 may not be sold, leased, or otherwise used to gen-
4 erate profit, except for the direct provision of the re-
5 lated mobility on demand services and mobility as a
6 service.

7 “(4) COMMITTEE.—A negotiated rulemaking
8 committee established pursuant to section 565 of
9 title 5 to carry out this subsection shall have a max-
10 imum of 17 members limited to representatives of
11 the Department of Transportation, State and local
12 governments, metropolitan planning organizations,
13 urban and rural covered recipients, associations that
14 represent public transit agencies, representatives
15 from at least 3 different organizations engaged in
16 collective bargaining on behalf of transit workers in
17 not fewer than 3 States, mobility on demand pro-
18 viders, and mobility as a service technology pro-
19 viders.

20 “(5) PUBLICATION OF PROPOSED REGULA-
21 TIONS.—Proposed regulations to implement this sec-
22 tion shall be published in the Federal Register by
23 the Secretary not later than 18 months after such
24 date of enactment.

1 “(6) EXTENSION OF DEADLINES.—A deadline
2 set forth in paragraph (4) may be extended up to
3 180 days if the negotiated rulemaking committee re-
4 ferred to in paragraph (5) concludes that the com-
5 mittee cannot meet the deadline and the Secretary
6 so notifies the Committee on Transportation and In-
7 frastructure of the House of Representatives and the
8 Committee on Banking, Housing, and Urban Affairs
9 of the Senate.

10 “(g) APPLICATION OF RECIPIENT REVENUE VEHI-
11 CLE MILES.—With respect to revenue vehicle miles with
12 one passenger of a covered recipient using amounts under
13 this section, such miles—

14 “(1) shall be included in the National Transit
15 Database under section 5335; and

16 “(2) shall be excluded from vehicle revenue
17 miles data used in the calculation described in sec-
18 tion 5336.

19 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-
20 section (g) shall not apply to any eligible activities under
21 this section if such activities are being carried out in com-
22 pliance with the Americans with Disabilities Act of 1990
23 (42 U.S.C. 12101 et seq.).

24 “(i) DEFINITIONS.—In this section:

1 “(1) DEADHEAD VEHICLE MILES.—The term
2 ‘deadhead vehicle miles’ means the miles that a vehi-
3 cle travels when out of revenue service, including
4 leaving or returning to the garage or yard facility,
5 changing routes, when there is no expectation of car-
6 rying revenue passengers, and any miles traveled by
7 a private operator without a passenger.

8 “(2) MOBILITY AS A SERVICE.—The term ‘mo-
9 bility as a service’ means services that constitute the
10 integration of mobility on demand services and pub-
11 lic transportation that are available and accessible to
12 all travelers, provide multimodal trip planning, and
13 a unified payment system.

14 “(3) MOBILITY ON DEMAND.—The term ‘mobil-
15 ity on demand’ means an on-demand transportation
16 service shared among individuals, either concurrently
17 or one after another.

18 “(4) COVERED RECIPIENT.—The term ‘covered
19 recipient’ means a State or local government entity,
20 private nonprofit organization, or Tribe that—

21 “(A) operates a public transportation serv-
22 ice; and

23 “(B) is a recipient or subrecipient of funds
24 under section 5307, 5310, or 5311.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 53 of title 49, United States Code, is amended by in-
3 serting after the item relating to section 5315 the fol-
4 lowing new item:

“5316. Mobility innovation.”.

5 (c) EFFECTIVE DATE.—This section and the amend-
6 ments made by this section shall take effect on the date
7 on which the Secretary has finalized both—

8 (1) the guidance required under section 5316(c)
9 of title 49, United States Code; and

10 (2) the regulations required under section
11 5316(f) of title 49, United States Code.

12 **SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.**

13 Section 5311 of title 49, United States Code, is
14 amended—

15 (1) in subsection (b)—

16 (A) in paragraph (2) by adding at the end
17 the following:

18 “(D) CENSUS DESIGNATION.—The Sec-
19 retary may approve a State program that allo-
20 cates not more than 5 percent of such State’s
21 apportionment to assist rural areas that were
22 redesignated as urban areas not more than 2
23 fiscal years after the last census designation of
24 urbanized area boundaries.”; and

1 (B) in paragraph (3) by striking “section
2 5338(a)(2)(F)” and inserting “section
3 5338(a)(2)(E)”;

4 (2) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-
7 graph (A) by striking “section
8 5338(a)(2)(F)” and inserting “section
9 5338(a)(2)(E)”;

10 (ii) in subparagraph (A) by striking
11 “\$5,000,000” and inserting
12 “\$10,000,000”; and

13 (iii) in subparagraph (B) by striking
14 “\$30,000,000” and inserting “the amount
15 remaining under section 5338(a)(2)(E)(i)
16 after the amount under subparagraph (A)
17 is distributed”;

18 (B) in paragraph (2)(C) by striking “sec-
19 tion 5338(a)(2)(F)” and inserting “section
20 5338(a)(2)(E)”;

21 (C) in paragraph (3)—

22 (i) in subparagraph (A) by striking
23 “section 5338(a)(2)(F)” and inserting
24 “section 5338(a)(2)(E)”;

1 (ii) by striking subparagraphs (B) and
2 (C) and inserting the following:

3 “(B) LAND AREA.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), each State shall receive an amount
6 that is equal to 15 percent of the amount
7 apportioned under this paragraph, multi-
8 plied by the ratio of the land area in rural
9 areas in that State and divided by the land
10 area in all rural areas in the United
11 States, as shown by the most recent decen-
12 nial census of population.

13 “(ii) MAXIMUM APPORTIONMENT.—
14 No State shall receive more than 5 percent
15 of the amount apportioned under clause
16 (i).

17 “(C) POPULATION.—Each State shall re-
18 ceive an amount equal to 50 percent of the
19 amount apportioned under this paragraph, mul-
20 tiplied by the ratio of the population of rural
21 areas in that State and divided by the popu-
22 lation of all rural areas in the United States, as
23 shown by the most recent decennial census of
24 population.

25 “(D) VEHICLE REVENUE MILES.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), each State shall receive an amount
3 that is equal to 25 percent of the amount
4 apportioned under this paragraph, multi-
5 plied by the ratio of vehicle revenue miles
6 in rural areas in that State and divided by
7 the vehicle revenue miles in all rural areas
8 in the United States, as determined by na-
9 tional transit database reporting.

10 “(ii) MAXIMUM APPORTIONMENT.—
11 No State shall receive more than 5 percent
12 of the amount apportioned under clause
13 (i).

14 “(E) LOW-INCOME INDIVIDUALS.—Each
15 State shall receive an amount that is equal to
16 10 percent of the amount apportioned under
17 this paragraph, multiplied by the ratio of low-
18 income individuals in rural areas in that State
19 and divided by the number of low-income indi-
20 viduals in all rural areas in the United States,
21 as shown by the Bureau of the Census.”;

22 (3) in subsection (f)—

23 (A) in paragraph (1) by inserting “A State
24 may expend funds to continue service into an-

1 other State to extend a route.” before “Eligible
2 activities under”; and

3 (B) in paragraph (2) by inserting “and
4 makes the certification and supporting docu-
5 ments publicly available” before the period at
6 the end; and

7 (4) in subsection (g) by adding at the end the
8 following:

9 “(6) ALLOWANCE FOR VOLUNTEER HOURS.—

10 “(A) APPLICABLE REGULATIONS.—For
11 any funds provided by a department or agency
12 of the Government under paragraph (3)(D) or
13 by a service agreement under paragraph (3)(C),
14 and such department or agency has regulations
15 in place that provide for the valuation of volun-
16 teer hours as allowable in-kind contributions to-
17 ward the non-Federal share of project costs,
18 such regulations shall be used to determine the
19 allowable valuation of volunteer hours as an in-
20 kind contribution toward the non-Federal re-
21 mainder of net project costs for a transit
22 project funded under this section.

23 “(B) LIMITATIONS.—Subparagraph (A)
24 shall not apply to the provision of fixed-route
25 bus services funded under this section.”.

1 **SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.**

2 Section 5310 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(j) ONE-STOP PARATRANSIT PROGRAM.—

5 “(1) IN GENERAL.—Not later than 6 months
6 after the date of enactment of this subsection, the
7 Secretary shall establish a one-stop paratransit com-
8 petitive grant program to encourage an extra stop in
9 non-fixed route Americans with Disabilities Act of
10 1990 (42 U.S.C. 12101 et seq.) service for a para-
11 transit rider to complete essential tasks.

12 “(2) PREFERENCE.—The Secretary shall give
13 preference to eligible recipients that—

14 “(A) have comparable data for the year
15 prior to implementation of the grant program
16 and made available to the Secretary, academic
17 and nonprofit organizations for research pur-
18 poses; and

19 “(B) plan to use agency personnel to im-
20 plement the pilot program.

21 “(3) APPLICATION CRITERIA.—To be eligible to
22 participate in the grant program, an eligible recipi-
23 ent shall submit to the Secretary an application con-
24 taining such information as the Secretary may re-
25 quire, including information on—

1 “(A) locations the eligible entity intends to
2 allow a stop at, if stops are limited, including—

3 “(i) childcare or education facilities;

4 “(ii) pharmacies;

5 “(iii) grocery stores; and

6 “(iv) bank or ATM locations;

7 “(B) methodology for informing the public
8 of the grant program;

9 “(C) vehicles, personnel, and other re-
10 sources that will be used to implement the
11 grant program;

12 “(D) if the applicant does not intend the
13 grant program to apply to the full area under
14 the jurisdiction of the applicant, a description
15 of the geographic area in which the applicant
16 intends the grant program to apply; and

17 “(E) the anticipated amount of increased
18 operating costs.

19 “(4) SELECTION.—The Secretary shall seek to
20 achieve diversity of participants in the grant pro-
21 gram by selecting a range of eligible entities that in-
22 cludes at least—

23 “(A) 5 eligible recipients that serve an
24 area with a population of 50,000 to 200,000;

1 “(B) 10 eligible recipients that serve an
2 area with a population of over 200,000; and

3 “(C) 5 eligible recipients that provide
4 transportation for rural communities.

5 “(5) DATA-SHARING CRITERIA.—An eligible re-
6 cipient in this subsection shall provide data as the
7 Secretary requires, including—

8 “(A) number of ADA paratransit trips
9 conducted each year;

10 “(B) requested time of each paratransit
11 trip;

12 “(C) scheduled time of each paratransit
13 trip;

14 “(D) actual pickup time for each para-
15 transit trip;

16 “(E) average length of a stop in the middle
17 of a ride as allowed by this subsection;

18 “(F) any complaints received by a para-
19 transit rider;

20 “(G) rider satisfaction with paratransit
21 services; and

22 “(H) after the completion of the grant, an
23 assessment by the eligible recipient of its capac-
24 ity to continue a one-stop program independ-
25 ently.

1 “(6) REPORT.—

2 “(A) IN GENERAL.—The Secretary shall
3 make publicly available an annual report on the
4 program carried out under this subsection for
5 each fiscal year, not later than December 31 of
6 the calendar year in which such fiscal year
7 ends.

8 “(B) CONTENTS.—The report required
9 under subparagraph (A) shall include a detailed
10 description of the activities carried out under
11 the program, and an evaluation of the program,
12 including an evaluation of the data shared by
13 eligible recipients under paragraph (5).”.

14 **Subtitle C—Buy America and**
15 **Other Procurement Reforms**

16 **SEC. 2301. BUY AMERICA.**

17 (a) BUY AMERICA.—

18 (1) IN GENERAL.—Chapter 53 of title 49,
19 United States Code, is amended by inserting before
20 section 5321 the following:

21 **“§ 5320. Buy America**

22 “(a) IN GENERAL.—The Secretary may obligate an
23 amount that may be appropriated to carry out this chapter
24 for a project only if the steel, iron, and manufactured

1 goods used in the project are produced in the United
2 States.

3 “(b) WAIVER.—The Secretary may waive subsection
4 (a) if the Secretary finds that—

5 “(1) applying subsection (a) would be incon-
6 sistent with the public interest;

7 “(2) the steel, iron, and goods produced in the
8 United States are not produced in a sufficient and
9 reasonably available amount or are not of a satisfac-
10 tory quality;

11 “(3) when procuring rolling stock (including
12 train control, communication, traction power equip-
13 ment, and rolling stock prototypes) under this chap-
14 ter—

15 “(A) the cost of components and sub-
16 components produced in the United States is
17 more than 70 percent of the cost of all compo-
18 nents of the rolling stock; and

19 “(B) final assembly of the rolling stock has
20 occurred in the United States; or

21 “(4) including domestic material will increase
22 the cost of the overall project by more than 25 per-
23 cent.

24 “(c) WRITTEN WAIVER DETERMINATION AND AN-
25 NUAL REPORT.—

1 “(1) WAIVER PROCEDURE.—Not later than 120
2 days after the submission of a request for a waiver,
3 the Secretary shall make a determination under sub-
4 section (b)(1), (b)(2), or (b)(4) as to whether to
5 waive subsection (a).

6 “(2) PUBLIC NOTIFICATION AND COMMENT.—

7 “(A) IN GENERAL.—Not later than 30
8 days before making a determination regarding a
9 waiver described in paragraph (1), the Sec-
10 retary shall provide notification and an oppor-
11 tunity for public comment on the request for
12 such waiver.

13 “(B) NOTIFICATION REQUIREMENTS.—The
14 notification required under subparagraph (A)
15 shall—

16 “(i) describe whether the application
17 is being made for a waiver described in
18 subsection (b)(1), (b)(2) or (b)(4); and

19 “(ii) be provided to the public by elec-
20 tronic means, including on the public
21 website of the Department of Transpor-
22 tation.

23 “(3) DETERMINATION.—Before a determination
24 described in paragraph (1) takes effect, the Sec-
25 retary shall publish a detailed justification for such

1 determination that addresses all public comments re-
2 ceived under paragraph (2)—

3 “(A) on the public website of the Depart-
4 ment of Transportation; and

5 “(B) if the Secretary issues a waiver with
6 respect to such determination, in the Federal
7 Register.

8 “(4) ANNUAL REPORT.—Annually, the Sec-
9 retary shall submit to the Committee on Banking,
10 Housing, and Urban Affairs of the Senate and the
11 Committee on Transportation and Infrastructure of
12 the House of Representatives a report listing any
13 waiver issued under paragraph (1) during the pre-
14 ceding year.

15 “(d) ROLLING STOCK WAIVER CONDITIONS.—

16 “(1) LABOR COSTS FOR FINAL ASSEMBLY.—In
17 this section, highly skilled labor costs involved in
18 final assembly shall be included as a separate com-
19 ponent in the cost of components and subcompo-
20 nents under subsection (b)(3)(A).

21 “(2) HIGH DOMESTIC CONTENT COMPONENT
22 BONUS.—In this section, in calculating the domestic
23 content of the rolling stock under subsection (b)(3),
24 the percent, rounded to the nearest whole number,
25 of the domestic content in components of such roll-

1 ing stock, weighted by cost, shall be used in calcu-
2 lating the domestic content of the rolling stock, ex-
3 cept—

4 “(A) with respect to components that ex-
5 ceed—

6 “(i) 70 percent domestic content, the
7 Secretary shall add 10 additional percent
8 to the component’s domestic content when
9 calculating the domestic content of the
10 rolling stock; and

11 “(ii) 75 percent domestic content, the
12 Secretary shall add 15 additional percent
13 to the component’s domestic content when
14 calculating the domestic content of the
15 rolling stock; and

16 “(B) in no case may a component exceed
17 100 domestic content when calculating the do-
18 mestic content of the rolling stock.

19 “(3) ROLLING STOCK FRAMES OR CAR
20 SHELLS.—

21 “(A) INCLUSION OF COSTS.—Subject to
22 the substantiation requirement of subparagraph
23 (B), in carrying out, in calculating the cost of
24 the domestic content of the rolling stock under
25 subsection (b)(3), in the case of a rolling stock

1 procurement receiving assistance under this
2 chapter in which the average cost of a rolling
3 stock vehicle in the procurement is more than
4 \$300,000, if rolling stock frames or car shells
5 are not produced in the United States, the Sec-
6 retary shall include in the calculation of the do-
7 mestic content of the rolling stock the cost of
8 the steel or iron that is produced in the United
9 States and used in the rolling stock frames or
10 car shells.

11 “(B) SUBSTANTIATION.—If a rolling stock
12 vehicle manufacturer wishes to include in the
13 calculation of the vehicle’s domestic content the
14 cost of steel or iron produced in the United
15 States and used in the rolling stock frames and
16 car shells that are not produced in the United
17 States, the manufacturer shall maintain and
18 provide upon request a mill certification that
19 substantiates the origin of the steel or iron.

20 “(4) TREATMENT OF WAIVED COMPONENTS
21 AND SUBCOMPONENTS.—In this section, a compo-
22 nent or subcomponent waived under subsection (b)
23 shall be excluded from any part of the calculation re-
24 quired under subsection (b)(3)(A).

1 “(5) ZERO-EMISSION VEHICLE DOMESTIC BAT-
2 TERY CELL INCENTIVE.—The Secretary shall pro-
3 vide an additional 2.5 percent of domestic content to
4 the total rolling stock domestic content percentage
5 calculated under this section for any zero-emission
6 vehicle that uses only battery cells for propulsion
7 that are manufactured domestically.

8 “(6) PROHIBITION ON DOUBLE COUNTING.—

9 “(A) IN GENERAL.—No labor costs in-
10 cluded in the cost of a component or subcompo-
11 nent by the manufacturer of rolling stock may
12 be treated as rolling stock assembly costs for
13 purposes of calculating domestic content.

14 “(B) VIOLATION.—A violation of this para-
15 graph shall be treated as a false claim under
16 subchapter III of chapter 37 of title 31.

17 “(7) DEFINITION OF HIGHLY SKILLED LABOR
18 COSTS.—In this subsection, the term ‘highly skilled
19 labor costs’—

20 “(A) means the apportioned value of direct
21 wage compensation associated with final assem-
22 bly activities of workers directly employed by a
23 rolling stock original equipment manufacturer
24 and directly associated with the final assembly
25 activities of a rolling stock vehicle that advance

1 the value or improve the condition of the end
2 product;

3 “(B) does not include any temporary or in-
4 direct activities or those hired via a third-party
5 contractor or subcontractor;

6 “(C) are limited to metalworking, fabrica-
7 tion, welding, electrical, engineering, and other
8 technical activities requiring training;

9 “(D) are not otherwise associated with ac-
10 tivities required under section 661.11 of title
11 49, Code of Federal Regulations; and

12 “(E) includes only activities performed in
13 the United States and does not include that of
14 foreign nationals providing assistance at a
15 United States manufacturing facility.

16 “(e) CERTIFICATION OF DOMESTIC SUPPLY AND
17 DISCLOSURE.—

18 “(1) CERTIFICATION OF DOMESTIC SUPPLY.—If
19 the Secretary denies an application for a waiver
20 under subsection (b), the Secretary shall provide to
21 the applicant a written certification that—

22 “(A) the steel, iron, or manufactured
23 goods, as applicable, (referred to in this para-
24 graph as the ‘item’) is produced in the United

1 States in a sufficient and reasonably available
2 amount;

3 “(B) the item produced in the United
4 States is of a satisfactory quality; and

5 “(C) includes a list of known manufactur-
6 ers in the United States from which the item
7 can be obtained.

8 “(2) DISCLOSURE.—The Secretary shall dis-
9 close the waiver denial and the written certification
10 to the public in an easily identifiable location on the
11 website of the Department of Transportation.

12 “(f) WAIVER PROHIBITED.—The Secretary may not
13 make a waiver under subsection (b) for goods produced
14 in a foreign country if the Secretary, in consultation with
15 the United States Trade Representative, decides that the
16 government of that foreign country—

17 “(1) has an agreement with the United States
18 Government under which the Secretary has waived
19 the requirement of this section; and

20 “(2) has violated the agreement by discrimi-
21 nating against goods to which this section applies
22 that are produced in the United States and to which
23 the agreement applies.

24 “(g) PENALTY FOR MISLABELING AND MISREPRE-
25 SENTATION.—A person is ineligible under subpart 9.4 of

1 the Federal Acquisition Regulation, or any successor
2 thereto, to receive a contract or subcontract made with
3 amounts authorized under title II of the INVEST in
4 America Act if a court or department, agency, or instru-
5 mentality of the Government decides the person inten-
6 tionally—

7 “(1) affixed a ‘Made in America’ label, or a
8 label with an inscription having the same meaning,
9 to goods sold in or shipped to the United States that
10 are used in a project to which this section applies
11 but not produced in the United States; or

12 “(2) represented that goods described in para-
13 graph (1) were produced in the United States.

14 “(h) STATE REQUIREMENTS.—The Secretary may
15 not impose any limitation on assistance provided under
16 this chapter that restricts a State from imposing more
17 stringent requirements than this subsection on the use of
18 articles, materials, and supplies mined, produced, or man-
19 ufactured in foreign countries in projects carried out with
20 that assistance or restricts a recipient of that assistance
21 from complying with those State-imposed requirements.

22 “(i) OPPORTUNITY TO CORRECT INADVERTENT
23 ERROR.—The Secretary may allow a manufacturer or
24 supplier of steel, iron, or manufactured goods to correct
25 after bid opening any certification of noncompliance or

1 failure to properly complete the certification (but not in-
2 cluding failure to sign the certification) under this sub-
3 section if such manufacturer or supplier attests under pen-
4 alty of perjury that such manufacturer or supplier sub-
5 mitted an incorrect certification as a result of an inad-
6 vertent or clerical error. The burden of establishing inad-
7 vertent or clerical error is on the manufacturer or supplier.

8 “(j) ADMINISTRATIVE REVIEW.—A party adversely
9 affected by an agency action under this subsection shall
10 have the right to seek review under section 702 of title
11 5.

12 “(k) STEEL AND IRON.—For purposes of this section,
13 steel and iron meeting the requirements of section
14 661.5(b) of title 49, Code of Federal Regulations, may be
15 considered produced in the United States.

16 “(l) DEFINITION OF SMALL PURCHASE.—For pur-
17 poses of determining whether a purchase qualifies for a
18 general public interest waiver under subsection (b)(1), in-
19 cluding under any regulation promulgated under such sub-
20 section, the term ‘small purchase’ means a purchase of
21 not more than \$150,000.

22 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
23 ROLLING STOCK PURCHASES.—

24 “(1) IN GENERAL.—The Secretary shall pre-
25 scribe regulations requiring a preaward and

1 postdelivery certification of a rolling stock vehicle
2 that meets the requirements of this section and Gov-
3 ernment motor vehicle safety requirements to be eli-
4 gible for a grant under this chapter. For compliance
5 with this section—

6 “(A) Federal inspections and review are
7 required;

8 “(B) a manufacturer certification is not
9 sufficient; and

10 “(C) a rolling stock vehicle that has been
11 certified by the Secretary remains certified until
12 the manufacturer makes a material change to
13 the vehicle, or adjusts the cost of all compo-
14 nents of the rolling stock, that reduces, by more
15 than half, the percentage of domestic content
16 above 70 percent.

17 “(2) CERTIFICATION OF PERCENTAGE.—The
18 Secretary may, at the request of a component or
19 subcomponent manufacturer, certify the percentage
20 of domestic content and place of manufacturing for
21 a component or subcomponent.

22 “(3) FREEDOM OF INFORMATION ACT.—In car-
23 rying out this subsection, the Secretary shall consist-
24 ently apply the provisions of section 552 of title 5,
25 including subsection (b)(4) of such section.

1 “(4) NONCOMPLIANCE.—The Secretary shall
2 prohibit recipients from procuring rolling stock, com-
3 ponents, or subcomponents from a supplier that in-
4 tentionally provides false information to comply with
5 this subsection.

6 “(n) SCOPE.—The requirements of this section apply
7 to all contracts for a public transportation project carried
8 out within the scope of the applicable finding, determina-
9 tion, or decision under the National Environmental Policy
10 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the
11 funding source of such contracts, if at least one contract
12 for the public transportation project is funded with
13 amounts made available to carry out this chapter.

14 “(o) BUY AMERICA CONFORMITY.—The Secretary
15 shall ensure that all Federal funds for new commuter rail
16 projects shall comply with this section and shall not be
17 subject to section 22905(a).

18 “(p) AUDITS AND REPORTING OF WASTE, FRAUD,
19 AND ABUSE.—

20 “(1) IN GENERAL.—The Inspector General of
21 the Department of Transportation shall conduct an
22 annual audit on certifications under subsection (m)
23 regarding compliance with Buy America.

24 “(2) REPORT FRAUD, WASTE, AND ABUSE.—
25 The Secretary shall display a ‘Report Fraud, Waste,

1 and Abuse’ button and link to Department of Trans-
2 portation’s Office of Inspector General Hotline on
3 the Federal Transit Administration’s Buy America
4 landing page.

5 “(3) CONTRACT REQUIREMENT.—The Secretary
6 shall require all recipients who enter into contracts
7 to purchase rolling stock with funds provided under
8 this chapter to include in such contract information
9 on how to contact the Department of Transpor-
10 tation’s Office of Inspector General Hotline to report
11 suspicions of fraud, waste, and abuse.

12 “(q) PASSENGER MOTOR VEHICLES.—

13 “(1) IN GENERAL.—Any domestically manufac-
14 tured passenger motor vehicle shall be considered to
15 be produced in the United States under this section.

16 “(2) DOMESTICALLY MANUFACTURED PAS-
17 Senger Motor Vehicle.—In this subsection, the
18 term ‘domestically manufactured passenger motor
19 vehicle’ means any passenger motor vehicle, as such
20 term is defined in section 32304(a) that—

21 “(A) has under section 32304(b)(1)(B) its
22 final assembly place in the United States; and

23 “(B) the percentage (by value) of pas-
24 senger motor equipment under section

1 32304(b)(1)(A) equals or exceeds 60 percent
2 value added.

3 “(r) ROLLING STOCK COMPONENTS AND SUBCOMPO-
4 NENTS.—No component or subcomponent of rolling stock
5 shall be treated as produced in the United States for pur-
6 poses of subsection (b)(3) or determined to be of domestic
7 origin under section 661.11 of title 49, Code of Federal
8 Regulations, if the material inputs of such component or
9 subcomponent were imported into the United States and
10 the operations performed in the United States on the im-
11 ported articles would not result in a change in the article’s
12 classification to chapter 86 or 87 of the Harmonized Tar-
13 iff Schedule of the United States from another chapter
14 or a new heading of any chapter from the heading under
15 which the article was classified upon entry.

16 “(s) TREATMENT OF STEEL AND IRON COMPONENTS
17 AS PRODUCED IN THE UNITED STATES.—Notwith-
18 standing any other provision of any law or any rule, regu-
19 lation, or policy of the Federal Transit Administration,
20 steel and iron components of a system, as defined in sec-
21 tion 661.3 of title 49, Code of Federal Regulations, and
22 of manufactured end products referred to in Appendix A
23 of such section, may not be considered to be produced in
24 the United States unless such components meet the re-

1 requirements of section 661.5(b) of title 49, Code of Federal
2 Regulations.

3 “(t) REQUIREMENT FOR TRANSIT AGENCIES.—Not-
4 withstanding the provisions of this section, if a transit
5 agency accepts Federal funds, such agency shall adhere
6 to the Buy America provisions set forth in this section
7 when procuring rolling stock.”.

8 (2) CLERICAL AMENDMENT.—The analysis for
9 chapter 53 of title 49, United States Code, is
10 amended by inserting before the item relating to sec-
11 tion 5321 the following:

“5320. Buy America.”.

12 (3) CONFORMING AMENDMENTS.—

13 (A) TECHNICAL ASSISTANCE AND WORK-
14 FORCE DEVELOPMENT.—Section 5314(a)(2)(G)
15 of title 49, United States Code, is amended by
16 striking “sections 5323(j) and 5323(m)” and
17 inserting “section 5320”.

18 (B) URBANIZED AREA FORMULA
19 GRANTS.—Section 5307(c)(1)(E) of title 49,
20 United States Code, is amended by inserting “,
21 5320,” after “5323”.

22 (C) INNOVATIVE PROCUREMENT.—Section
23 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C.
24 5325 note) is amended by striking “5232(j)”
25 and inserting “5320”.

1 (b) BUS ROLLING STOCK.—Not later than 18
2 months after the date of enactment of this Act, the Sec-
3 retary of Transportation shall issue such regulations as
4 are necessary to revise Appendix B and Appendix D of
5 section 661.11 of title 49, Code of Federal Regulations,
6 with respect to bus rolling stock to maximize job creation
7 and align such section with modern manufacturing tech-
8 niques.

9 (c) RAIL ROLLING STOCK.—Not later than 30
10 months after the date of enactment of this Act, the Sec-
11 retary shall issue such regulations as are necessary to re-
12 vise subsections (t), (u), and (v) of section 661.11 of title
13 49, Code of Federal Regulations, with respect to rail roll-
14 ing stock to maximize job creation and align such section
15 with modern manufacturing techniques.

16 (d) RULE OF APPLICABILITY.—

17 (1) IN GENERAL.—Except as otherwise pro-
18 vided in this subsection, the amendments made by
19 this section shall apply to any contract entered into
20 on or after the date of enactment of this Act.

21 (2) DELAYED APPLICABILITY OF CERTAIN PRO-
22 VISIONS.—Contracts described in paragraph (1)
23 shall be subject to the following delayed applicability
24 requirements:

1 (A) Section 5320(m)(2) shall apply to con-
2 tracts entered into on or after the date that is
3 30 days after the date of enactment of this Act.

4 (B) Notwithstanding subparagraph (A),
5 section 5320(m) shall apply to contracts for the
6 procurement of bus rolling stock beginning on
7 the earlier of—

8 (i) 180 days after the date on which
9 final regulations are issued pursuant to
10 subsection (b); or

11 (ii) the date that is 1 year after the
12 date of enactment of this Act.

13 (C) Notwithstanding subparagraph (A),
14 section 5320(m) shall apply to contracts for the
15 procurement of rail rolling stock beginning on
16 the earlier of—

17 (i) 180 days after the date on which
18 final regulations are issued pursuant to
19 subsection (c); or

20 (ii) the date that is 2 years after the
21 date of enactment of this Act.

22 (D) Section 5320(p)(1) shall apply on the
23 date that is 1 year after the latest of the appli-
24 cation dates described in subparagraphs (A)
25 through (C).

1 (3) SPECIAL RULE FOR CERTAIN CONTRACTS.—

2 For any contract described in paragraph (1) for
3 which the delivery for the first production vehicle oc-
4 curs before October 1, 2024, paragraphs (1) and (4)
5 of section 5320(d) shall not apply.

6 (4) SPECIAL RULE FOR BATTERY CELL INCEN-

7 TIVES.—For any contract described in paragraph
8 (1) for which the delivery for the first production ve-
9 hicle occurs before October 1, 2022, section
10 5320(d)(5) shall not apply.

11 (e) SPECIAL RULE FOR DOMESTIC CONTENT.—For

12 the calculation of the percent of domestic content cal-
13 culated under section 5320(d)(2) for a contract for rolling
14 stock entered into on or after October 1, 2020—

15 (1) if the delivery of the first production vehicle
16 occurs in fiscal year 2022 or fiscal year 2023, for
17 components that exceed 70 percent domestic con-
18 tent, the Secretary shall add 20 additional percent
19 to the component's domestic content; and

20 (2) if the delivery of the first production vehicle
21 occurs in fiscal year 2024 or fiscal year 2025—

22 (A) for components that exceed 70 percent
23 but do not exceed 75 percent domestic content,
24 the Secretary shall add 15 additional percent to
25 the component's domestic content; or

1 (B) for components that exceed 75 percent
2 domestic content, the Secretary shall add 20
3 additional percent to the component's domestic
4 content.

5 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

6 Section 5323 of title 49, United States Code, as is
7 amended by adding at the end the following:

8 “(x) BUS PROCUREMENT STREAMLINING.—

9 “(1) IN GENERAL.—The Secretary may only ob-
10 ligate amounts for acquisition of buses under this
11 chapter to a recipient that issues a request for pro-
12 posals for an open market procurement that meets
13 the following criteria:

14 “(A) Such request for proposals is limited
15 to performance specifications, except for compo-
16 nents or subcomponents identified in the nego-
17 tiated rulemaking carried out pursuant to this
18 subsection.

19 “(B) Such request for proposals does not
20 seek any alternative design or manufacture
21 specification of a bus offered by a manufac-
22 turer, except to require a component or sub-
23 component identified in the negotiated rule-
24 making carried out pursuant to this subsection.

1 “(2) SPECIFIC BUS COMPONENT NEGOTIATED
2 RULEMAKING.—

3 “(A) INITIATION.—Not later than 120
4 days after the date of enactment of the IN-
5 VEST in America Act, the Secretary shall ini-
6 tiate procedures under subchapter III of chap-
7 ter 5 of title 5 to negotiate and issue such regu-
8 lations as are necessary to establish as limited
9 a list as is practicable of bus components and
10 subcomponents described in subparagraph (B).

11 “(B) LIST OF COMPONENTS.—The regula-
12 tions required under subparagraph (A) shall es-
13 tablish a list of bus components and subcompo-
14 nents that may be specified in a request for
15 proposals described in paragraph (1) by a re-
16 cipient. The Secretary shall ensure the list is
17 limited in scope and limited to only components
18 and subcomponents that cannot be selected with
19 performance specifications to ensure interoper-
20 ability.

21 “(C) PUBLICATION OF PROPOSED REGULA-
22 TIONS.—Proposed regulations to implement this
23 section shall be published in the Federal Reg-
24 ister by the Secretary not later than 18 months
25 after such date of enactment.

1 “(D) COMMITTEE.—A negotiated rule-
2 making committee established pursuant to sec-
3 tion 565 of title 5 to carry out this paragraph
4 shall have a maximum of 11 members limited
5 to representatives of the Department of Trans-
6 portation, urban and rural recipients (including
7 State government recipients), and transit vehi-
8 cle manufacturers.

9 “(E) EXTENSION OF DEADLINES.—A
10 deadline set forth in subparagraph (C) may be
11 extended up to 180 days if the negotiated rule-
12 making committee referred to in subparagraph
13 (D) concludes that the committee cannot meet
14 the deadline and the Secretary so notifies the
15 Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the
17 Committee on Banking, Housing, and Urban
18 Affairs of the Senate.

19 “(3) SAVINGS CLAUSE.—Nothing in this section
20 shall be construed to provide additional authority for
21 the Secretary to restrict what a bus manufacturer
22 offers to sell to a public transportation agency.”.

23 **SEC. 2303. BUS TESTING FACILITY.**

24 Section 5318 of title 49, United States Code, is
25 amended by adding at the end the following:

1 “(f) TESTING SCHEDULE.—The Secretary shall—

2 “(1) determine eligibility of a bus manufactur-
3 er’s request for testing within 10 business days;

4 “(2) make publicly available the current backlog
5 (in months) to begin testing a new bus at the bus
6 testing facility; and

7 “(3) designate The Ohio State University as the
8 autonomous and advanced driver-assistance systems
9 test development facility for all bus testing with au-
10 tonomous or advanced driver-assistance systems
11 technology and The Ohio State University will also
12 serve as the over-flow new model bus testing facility
13 to Altoona.”.

14 **SEC. 2304. REPAYMENT REQUIREMENT.**

15 (a) IN GENERAL.—A transit agency shall repay into
16 the general fund of the Treasury all funds received from
17 the Federal Transit Administration under the heading
18 “Federal Transit Administration, Transit Infrastructure
19 Grants” under the CARES Act (Public Law 116–136) if
20 any portion of the funding was used to award a contract
21 or subcontract to an entity for the procurement of rolling
22 stock for use in public transportation if the manufacturer
23 of the rolling stock—

24 (1) is incorporated in or has manufacturing fa-
25 cilities in the United States; and

1 (2) is owned or controlled by, is a subsidiary of,
2 or is otherwise related legally or financially to a cor-
3 poration based in a country that—

4 (A) is identified as a nonmarket economy
5 country (as defined in section 771(18) of the
6 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
7 the date of enactment of this subsection;

8 (B) was identified by the United States
9 Trade Representative in the most recent report
10 required by section 182 of the Trade Act of
11 1974 (19 U.S.C. 2242) as a priority foreign
12 country under subsection (a)(2) of that section;
13 and

14 (C) is subject to monitoring by the Trade
15 Representative under section 306 of the Trade
16 Act of 1974 (19 U.S.C. 2416).

17 (b) CERTIFICATION.—Not later than 60 days after
18 the date of enactment of this section, a transit agency that
19 received funds pursuant to the CARES Act (Public Law
20 116–136) shall certify that the agency has not and shall
21 not use such funds to purchase rolling stock described in
22 subsection (a). Repayment shall also be required for any
23 such agency that fails to certify in accordance with the
24 preceding sentence.

1 **SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING**
2 **A MAJOR DISASTER.**

3 (a) IN GENERAL.—Section 5323 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(y) URBANIZED AREAS FOLLOWING A MAJOR DIS-
7 ASTER.—

8 “(1) DEFINED TERM.—In this subsection, the
9 term ‘decennial census date’ has the meaning given
10 the term in section 141(a) of title 13.

11 “(2) URBANIZED AREA MAJOR DISASTER POPU-
12 LATION CRITERIA.—Notwithstanding section 5302,
13 for purposes of this chapter, the Secretary shall
14 treat an area as an urbanized area for the period de-
15 scribed in paragraph (3) if—

16 “(A) a major disaster was declared by the
17 President under section 401 of the Robert T.
18 Stafford Disaster Relief and Emergency Assist-
19 ance Act (42 U.S.C. 5170) for the area during
20 the 3-year period preceding the decennial cen-
21 sus date for the 2010 decennial census or for
22 any subsequent decennial census;

23 “(B) the area was defined and designated
24 as an ‘urbanized area’ by the Secretary of Com-
25 merce in the decennial census immediately pre-

1 ceding the major disaster described in subpara-
2 graph (A); and

3 “(C) the population of the area fell below
4 50,000 as a result of the major disaster de-
5 scribed in subparagraph (A).

6 “(3) COVERED PERIOD.—The Secretary shall
7 treat an area as an urbanized area under paragraph
8 (2) during the period—

9 “(A) beginning on—

10 “(i) in the case of a major disaster de-
11 scribed in paragraph (2)(A) that occurred
12 during the 3-year period preceding the de-
13 cennial census date for the 2010 decennial
14 census, October 1 of the first fiscal year
15 that begins after the date of enactment of
16 this subsection; or

17 “(ii) in the case of any other major
18 disaster described in paragraph (2)(A), Oc-
19 tober 1 of the first fiscal year—

20 “(I) that begins after the decen-
21 nial census date for the first decennial
22 census conducted after the major dis-
23 aster; and

24 “(II) for which the Secretary has
25 sufficient data from that census to de-

1 termine that the area qualifies for
2 treatment as an urbanized area under
3 paragraph (2); and

4 “(B) ending on the day before the first fis-
5 cal year—

6 “(i) that begins after the decennial
7 census date for the second decennial cen-
8 sus conducted after the major disaster de-
9 scribed in paragraph (2)(A); and

10 “(ii) for which the Secretary has suffi-
11 cient data from that census to determine
12 which areas are urbanized areas for pur-
13 poses of this chapter.

14 “(4) POPULATION CALCULATION.—An area
15 treated as an urbanized area under this subsection
16 shall be assigned the population and square miles of
17 the urbanized area designated by the Secretary of
18 Commerce in the most recent decennial census con-
19 ducted before the major disaster described in para-
20 graph (2)(A).

21 “(5) SAVINGS PROVISION.—Nothing in this sub-
22 section may be construed to affect apportionments
23 made under this chapter before the date of enact-
24 ment of this subsection.”.

1 (b) AMENDMENT TAKES EFFECT ON ENACTMENT.—
2 Notwithstanding section 1001, the amendment made by
3 subsection (a) shall take effect on the date of enactment
4 of this Act.

5 **SEC. 2306. SPECIAL RULE FOR CERTAIN ROLLING STOCK**
6 **PROCUREMENTS.**

7 Section 5323(u)(5)(A) of title 49, United States
8 Code, (as redesignated by this Act) is amended by striking
9 “made by a public transportation agency with a rail rolling
10 stock manufacturer described in paragraph (1)” and in-
11 serting “as of December 20, 2019, including options and
12 other requirements tied to these contracts or subcontracts,
13 made by a public transportation agency with a restricted
14 rail rolling stock manufacturer”.

15 **SEC. 2307. CERTIFICATION REQUIREMENTS.**

16 (a) LIMITATION OF TREATMENT OF DOMESTIC OR
17 U.S. ORIGIN.—Notwithstanding any other provision of
18 any law or any rule, regulation, or policy of the Adminis-
19 tration, including part 661 of title 49, Code of Federal
20 Regulations, no article, material, or supply, shall be treat-
21 ed as a component of “U.S. origin” for purposes of section
22 661.5 of title 49, Code of Federal Regulations, or a com-
23 ponent or subcomponent of domestic origin for purposes
24 of section 661.11 of title 49, Code of Federal Regulations,
25 if—

1 (1) it contains any material inputs manufac-
2 tured or supplied by entities that—

3 (A) are subject to relief authorized under
4 the fair trade laws of the United States, includ-
5 ing subtitle B of title VII of the Tariff Act of
6 1930 (19 U.S.C. 1673 et seq.) and subtitle A
7 of title VII of the Tariff Act of 1930 (19
8 U.S.C. 1671 et seq.);

9 (B) are owned or controlled by entities
10 subject to United States sanctions; or

11 (C) are entities owned by a foreign govern-
12 ment, closely linked to or in partnership with a
13 foreign government or whose directors or orga-
14 nizational and board leadership include any per-
15 son serving in any capacity in the defense appa-
16 ratus of another nation;

17 (2) it contains or uses covered telecommuni-
18 cations equipment or services as that term is defined
19 by section 889 of the John S. McCain National De-
20 fense Authorization Act for Fiscal Year 2019 (Pub-
21 lic Law 115–232); or

22 (3) it is of a class or category of products and
23 was produced by a manufacturer or an affiliate of
24 such a manufacturer found to have violated United
25 States intellectual property laws, including trade se-

1 cret theft under section 1832(a)(5) of title 18,
2 United States Code, found to have committed eco-
3 nomic espionage under section 183J(a)(5) of such
4 title, or deemed to have infringed the intellectual
5 property rights of any person in the United States.

6 (b) CERTIFICATION.—If buses or other rolling stock
7 are being procured, the Administrator of the Federal
8 Transit Administration shall require as a condition of re-
9 sponsiveness that each bidder certify that no component,
10 subcomponent, article, material, or supply described in
11 subparagraphs (A) through (C) of subsection (a)(1) of this
12 section is incorporated in or used by the rolling stock that
13 is offered by the bidder.

14 **Subtitle D—Bus Grant Reforms**

15 **SEC. 2401. FORMULA GRANTS FOR BUSES.**

16 Section 5339(a) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (1)—

19 (A) by inserting “and subsection (d)” after
20 “In this subsection”;

21 (B) in subparagraph (A) by striking “term
22 ‘low or no emission vehicle’ has” and inserting
23 “term ‘zero emission vehicle’ has”;

1 (C) in subparagraph (B) by inserting “and
2 the District of Columbia” after “United
3 States”; and

4 (D) in subparagraph (C) by striking “the
5 District of Columbia,”;

6 (2) in paragraph (2)(A) by striking “low or no
7 emission vehicles” and inserting “zero emission vehi-
8 cles”;

9 (3) in paragraph (4)—

10 (A) in subparagraph (A) by inserting “and
11 subsection (d)” after “this subsection”; and

12 (B) in subparagraph (B) by inserting “and
13 subsection (d)” after “this subsection”;

14 (4) in paragraph (5)(A)—

15 (A) by striking “\$90,500,000” and insert-
16 ing “\$156,750,000”;

17 (B) by striking “2016 through 2020” and
18 inserting “2022 through 2025”;

19 (C) by striking “\$1,750,000” and inserting
20 “\$3,000,000”; and

21 (D) by striking “\$500,000” and inserting
22 “\$750,000”;

23 (5) in paragraph (7) by adding at the end the
24 following:

1 “(C) SPECIAL RULE FOR BUSES AND RE-
2 LATED EQUIPMENT FOR ZERO EMISSION VEHI-
3 CLES.—Notwithstanding subparagraph (A), a
4 grant for a capital project for buses and related
5 equipment for zero emission vehicles under this
6 subsection shall be for 90 percent of the net
7 capital costs of the project. A recipient of a
8 grant under this subsection may provide addi-
9 tional local matching amounts.”;

10 (6) in paragraph (8) by striking “3 fiscal
11 years” and inserting “4 fiscal years” each place such
12 term appears; and

13 (7) by striking paragraph (9).

14 **SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COM-**
15 **PETITIVE GRANTS.**

16 Section 5339(b) of title 49, United States Code, is
17 amended—

18 (1) in the heading by striking “BUSES AND
19 BUS FACILITIES COMPETITIVE GRANTS” and insert-
20 ing “BUS FACILITIES AND FLEET EXPANSION COM-
21 PETITIVE GRANTS”;

22 (2) in paragraph (1)—

23 (A) by striking “buses and”;

24 (B) by inserting “and certain buses” after
25 “capital projects”;

1 (C) in subparagraph (A) by striking
2 “buses or related equipment” and inserting
3 “bus-related facilities”; and

4 (D) by striking subparagraph (B) and in-
5 serting the following:

6 “(B) purchasing or leasing buses that will
7 not replace buses in the applicant’s fleet at the
8 time of application and will be used to—

9 “(i) increase the frequency of bus
10 service; or

11 “(ii) increase the service area of the
12 applicant.”;

13 (3) by striking paragraph (2) and inserting the
14 following:

15 “(2) GRANT CONSIDERATIONS.—In making
16 grants—

17 “(A) under subparagraph (1)(A), the Sec-
18 retary shall only consider—

19 “(i) the age and condition of bus-re-
20 lated facilities of the applicant compared to
21 all applicants and proposed improvements
22 to the resilience (as such term is defined in
23 section 5302) of such facilities;

24 “(ii) for a facility within or partially
25 within the 100-year floodplain, whether

1 such facility will be at least 2 feet above
2 the base flood elevation; and

3 “(iii) for a bus station, the degree of
4 multi-modal connections at such station;
5 and

6 “(B) under paragraph (1)(B), the Sec-
7 retary shall consider the improvements to head-
8 way and projected new ridership.”; and

9 (4) in paragraph (6) by striking subparagraph
10 (B) and inserting the following:

11 “(B) GOVERNMENT SHARE OF COSTS.—

12 “(i) IN GENERAL.—The Government
13 share of the cost of an eligible project car-
14 ried out under this subsection shall not ex-
15 ceed 80 percent.

16 “(ii) SPECIAL RULE FOR BUSES AND
17 RELATED EQUIPMENT FOR ZERO EMISSION
18 VEHICLES.—Notwithstanding clause (i),
19 the Government share of the cost of an eli-
20 gible project for the financing of buses and
21 related equipment for zero emission vehi-
22 cles shall not exceed 90 percent.”.

23 **SEC. 2403. ZERO EMISSION BUS GRANTS.**

24 (a) IN GENERAL.—Section 5339(c) of title 49,
25 United States Code, is amended—

1 (1) in the heading by striking “LOW OR NO
2 EMISSION GRANTS” and inserting “ZERO EMISSION
3 GRANTS”;

4 (2) in paragraph (1)—

5 (A) in subparagraph (B)—

6 (i) in clause (i) by striking “low or no
7 emission” and inserting “zero emission”;

8 (ii) in clause (ii) by striking “low or
9 no emission” and inserting “zero emis-
10 sion”;

11 (iii) in clause (iii) by striking “low or
12 no emission” and inserting “zero emis-
13 sion”;

14 (iv) in clause (iv) by striking “facili-
15 ties and related equipment for low or no
16 emission” and inserting “related equip-
17 ment for zero emission”;

18 (v) in clause (v) by striking “facilities
19 and related equipment for low or no emis-
20 sion vehicles;” and inserting “related
21 equipment for zero emission vehicles; or”;

22 (vi) in clause (vii) by striking “low or
23 no emission” and inserting “zero emis-
24 sion”;

25 (vii) by striking clause (vi); and

1 (viii) by redesignating clause (vii) as
2 clause (vi);

3 (B) by striking subparagraph (D) and in-
4 sserting the following:

5 “(D) the term ‘zero emission bus’ means a
6 bus that is a zero emission vehicle;”;

7 (C) by striking subparagraph (E) and in-
8 sserting the following:

9 “(E) the term ‘zero emission vehicle’
10 means a vehicle used to provide public transpor-
11 tation that produces no carbon dioxide or par-
12 ticulate matter;”;

13 (D) in subparagraph (F) by striking “and”
14 at the end;

15 (E) by striking subparagraph (G) and in-
16 sserting the following:

17 “(G) the term ‘eligible area’ means an area
18 that is—

19 “(i) designated as a nonattainment
20 area for ozone or particulate matter under
21 section 107(d) of the Clean Air Act (42
22 U.S.C. 7407(d));

23 “(ii) a maintenance area, as such
24 term is defined in section 5303, for ozone
25 or particulate matter; or

1 “(iii) in a State that has enacted a
2 statewide zero emission bus transition re-
3 quirement, as determined by the Secretary;
4 and”; and

5 (F) by adding at the end the following:

6 “(H) the term ‘low-income community’
7 means any population census tract if—

8 “(i) the poverty rate for such tract is
9 at least 20 percent; or

10 “(ii) in the case of a tract—

11 “(I) not located within a metro-
12 politan area, the median family in-
13 come for such tract does not exceed
14 80 percent of statewide median family
15 income; or

16 “(II) located within a metropoli-
17 tan area, the median family income
18 for such tract does not exceed 80 per-
19 cent of the greater statewide median
20 family income or the metropolitan
21 area median family income.”;

22 (3) by striking paragraph (5) and inserting the
23 following:

24 “(5) GRANT ELIGIBILITY.—In awarding grants
25 under this subsection, the Secretary shall make

1 grants to eligible projects relating to the acquisition
2 or leasing of zero emission buses or bus facility im-
3 provements—

4 “(A) that procure—

5 “(i) at least 10 zero emission buses;

6 “(ii) if the recipient operates less than
7 50 buses in peak service, at least 5 zero
8 emission buses; or

9 “(iii) hydrogen buses;

10 “(B) for which the recipient’s board of di-
11 rectors has approved a long-term integrated
12 fleet management plan that—

13 “(i) establishes a goal by a set date to
14 convert the entire bus fleet to zero emis-
15 sion buses; or

16 “(ii) establishes a goal that within 10
17 years from the date of approval of such
18 plan the recipient will convert a set per-
19 centage of the total bus fleet of such re-
20 cipient to zero emission buses; and

21 “(C) for which the recipient has performed
22 a fleet transition study that includes optimal
23 route planning and an analysis of how utility
24 rates may impact the recipient’s operations and
25 maintenance budget.

1 “(6) LOW AND MODERATE COMMUNITY
2 GRANTS.—Not less than 10 percent of the amounts
3 made available under this subsection in a fiscal year
4 shall be distributed to projects serving predomi-
5 nantly low-income communities.”; and

6 (4) by adding at the end the following:

7 “(8) CERTIFICATION.—The Secretary of Com-
8 merce shall certify that no projects carried out under
9 this subsection use minerals sourced or processed
10 with child labor, as such term is defined in Article
11 3 of the International Labor Organization Conven-
12 tion concerning the prohibition and immediate action
13 for the elimination of the worst forms of child labor
14 (December 2, 2000), or in violation of human
15 rights.”.

16 (b) METROPOLITAN TRANSPORTATION PLANNING.—
17 Section 5303(b) of title 49, United States Code, is amend-
18 ed by adding at the end the following:

19 “(8) MAINTENANCE AREA.—The term ‘mainte-
20 nance area’ has the meaning given the term in sec-
21 tions 171(2) and 175A of the Clean Air Act (42
22 U.S.C. 7501(2); 7505a).”.

1 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**
2 **MULA SUBGRANT.**

3 Section 5339 of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(d) RESTORATION TO STATE OF GOOD REPAIR
6 FORMULA SUBGRANT.—

7 “(1) GENERAL AUTHORITY.—The Secretary
8 may make grants under this subsection to assist eli-
9 gible recipients and subrecipients described in para-
10 graph (2) in financing capital projects to replace, re-
11 habilitate, and purchase buses and related equip-
12 ment.

13 “(2) ELIGIBLE RECIPIENTS AND SUBRECIPI-
14 ENTS.—Not later than September 1 annually, the
15 Secretary shall make public a list of eligible recipi-
16 ents and subrecipients based on the most recent
17 data available in the National Transit Database to
18 calculate the 20 percent of eligible recipients and
19 subrecipients with the highest percentage of asset
20 vehicle miles for buses beyond the useful life bench-
21 mark established by the Federal Transit Administra-
22 tion.

23 “(3) URBAN APPORTIONMENTS.—Funds allo-
24 cated under section 5338(a)(2)(L)(ii) shall be—

25 “(A) distributed to—

1 “(i) designated recipients in an urban-
2 ized area with a population of more than
3 200,000 made eligible by paragraph (1);
4 and

5 “(ii) States based on subrecipients
6 made eligible by paragraph (1) in an ur-
7 banized area under 200,000; and

8 “(B) allocated pursuant to the formula set
9 forth in section 5336 other than subsection (b),
10 using the data from the 20 percent of eligible
11 recipients and subrecipients.

12 “(4) RURAL ALLOCATION.—The Secretary
13 shall—

14 “(A) calculate the percentage of funds
15 under section 5338(a)(2)(L)(ii) to allocate to
16 rural subrecipients by dividing—

17 “(i) the asset vehicle miles for buses
18 beyond the useful life benchmark (estab-
19 lished by the Federal Transit Administra-
20 tion) of the rural subrecipients described in
21 paragraph (2); by

22 “(ii) the total asset vehicle miles for
23 buses beyond such benchmark of all eligi-
24 ble recipients and subrecipients described
25 in paragraph (2); and

1 “(B) prior to the allocation described in
2 paragraph (3)(B), apportion to each State the
3 amount of the total rural allocation calculated
4 under subparagraph (A) attributable to such
5 State based the proportion that—

6 “(i) the asset vehicle miles for buses
7 beyond the useful life benchmark (estab-
8 lished by the Federal Transit Administra-
9 tion) for rural subrecipients described in
10 paragraph (2) in such State; bears to

11 “(ii) the total asset vehicle miles de-
12 scribed in subparagraph (A)(i).

13 “(5) APPLICATION OF OTHER PROVISIONS.—
14 Paragraphs (3), (7), and (8) of subsection (a) shall
15 apply to eligible recipients and subrecipients de-
16 scribed in paragraph (2) of a grant under this sub-
17 section.

18 “(6) PROHIBITION.—No eligible recipient or
19 subrecipient outside the top 5 percent of asset vehi-
20 cle miles for buses beyond the useful life benchmark
21 established by the Federal Transit Administration
22 may receive a grant in both fiscal year 2022 and fis-
23 cal year 2023.

24 “(7) REQUIREMENT.—The Secretary shall re-
25 quire—

1 “(A) States to expend, to the benefit of the
2 subrecipients eligible under paragraph (2), the
3 apportioned funds attributed to such subrecipi-
4 ents; and

5 “(B) designated recipients to provide the
6 allocated funds to the recipients eligible under
7 paragraph (2) the apportioned funds attributed
8 to such recipients.”.

9 **Subtitle E—Supporting All Riders**

10 **SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.**

11 Section 5336(j) of title 49, United States Code, is
12 amended

13 (1) in paragraph (1) by striking “75 percent”
14 and inserting “50 percent”;

15 (2) in paragraph (2) by striking “25 percent”
16 and inserting “12.5 percent”; and

17 (3) by adding at the end the following:

18 “(3) 30 percent of the funds shall be appor-
19 tioned among designated recipients for urbanized
20 areas with a population of 200,000 or more in the
21 ratio that—

22 “(A) the number of individuals in each
23 such urbanized area residing in an urban cen-
24 sus tract with a poverty rate of at least 20 per-

1 cent during the 5 years most recently ending;
2 bears to

3 “(B) the number of individuals in all such
4 urbanized areas residing in an urban census
5 tract with a poverty rate of at least 20 percent
6 during the 5 years most recently ending; and

7 “(4) 7.5 percent of the funds shall be appor-
8 tioned among designated recipients for urbanized
9 areas with a population less than 200,000 in the
10 ratio that—

11 “(A) the number of individuals in each
12 such urbanized area residing in an urban cen-
13 sus tract with a poverty rate of at least 20 per-
14 cent during the 5 years most recently ending;
15 bears to

16 “(B) the number of individuals in all such
17 areas residing in an urban census tract with a
18 poverty rate of at least 20 percent during the
19 5 years most recently ending.”.

20 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

21 Section 5311 of title 49, United States Code, as
22 amended in section 2204, is further amended—

23 (1) in subsection (a) by adding at the end the
24 following:

1 “(3) PERSISTENT POVERTY COUNTY.—The
2 term ‘persistent poverty county’ means any county
3 with a poverty rate of at least 20 percent—

4 “(A) as determined in each of the 1990
5 and 2000 decennial censuses;

6 “(B) in the Small Area Income and Pov-
7 erty Estimates of the Bureau of the Census for
8 the most recent year for which the estimates
9 are available; and

10 “(C) has at least 25 percent of its popu-
11 lation in rural areas.”;

12 (2) in subsection (b)(2)(C)(i) by inserting “and
13 persistent poverty counties” before the semicolon;
14 and

15 (3) in subsection (c) by striking paragraph (2)
16 and inserting the following:

17 “(2) PERSISTENT POVERTY PUBLIC TRANSPOR-
18 TATION ASSISTANCE PROGRAM.—

19 “(A) IN GENERAL.—The Secretary shall
20 carry out a public transportation assistance
21 program for areas of persistent poverty.

22 “(B) APPORTIONMENT.—Of amounts
23 made available or appropriated for each fiscal
24 year under section 5338(a)(2)(E)(ii) to carry
25 out this paragraph, the Secretary shall appor-

1 tion funds to recipients for service in, or di-
2 rectly benefitting, persistent poverty counties
3 for any eligible purpose under this section in
4 the ratio that—

5 “(i) the number of individuals in each
6 such rural area residing in a persistent
7 poverty county; bears to

8 “(ii) the number of individuals in all
9 such rural areas residing in a persistent
10 poverty county.”.

11 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
12 **DUCED FARE TRANSIT.**

13 Section 5312 of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(j) DEMONSTRATION GRANTS TO SUPPORT RE-
16 DUCED FARE TRANSIT.—

17 “(1) IN GENERAL.—Not later than 300 days
18 after the date of enactment of the INVEST in
19 America Act, the Secretary shall award grants
20 (which shall be known as ‘Access to Jobs Grants’)
21 to eligible entities, on a competitive basis, to imple-
22 ment reduced fare transit service.

23 “(2) NOTICE.—Not later than 180 days after
24 the date of enactment of the INVEST in America
25 Act, the Secretary shall provide notice to eligible en-

1 titles of the availability of grants under paragraph
2 (1).

3 “(3) APPLICATION.—To be eligible to receive a
4 grant under this subsection, an eligible recipient
5 shall submit to the Secretary an application con-
6 taining such information as the Secretary may re-
7 quire, including, at a minimum, the following:

8 “(A) A description of how the eligible enti-
9 ty plans to implement reduced fare transit ac-
10 cess with respect to low-income individuals, in-
11 cluding any eligibility requirements for such
12 transit access.

13 “(B) A description of how the eligible enti-
14 ty will consult with local community stake-
15 holders, labor unions, local education agencies
16 and institutions of higher education, public
17 housing agencies, and workforce development
18 boards in the implementation of reduced fares.

19 “(C) A description of the eligible entity’s
20 current fare evasion enforcement policies, in-
21 cluding how the eligible entity plans to use the
22 reduced fare program to reduce fare evasion.

23 “(D) An estimate of additional costs to
24 such eligible entity as a result of reduced tran-
25 sit fares.

1 “(4) GRANT DURATION.—Grants awarded
2 under this subsection shall be for a 2-year period.

3 “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In
4 carrying out the program under this subsection, the
5 Secretary shall award not more than 20 percent of
6 grants to eligible entities located in rural areas.

7 “(6) USES OF FUNDS.—An eligible entity re-
8 ceiving a grant under this subsection shall use such
9 grant to implement a reduced fare transit program
10 and offset lost fare revenue.

11 “(7) DEFINITIONS.—In this subsection:

12 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
13 ble entity’ means a State, local, or Tribal gov-
14 ernmental entity that operates a public trans-
15 portation service and is a recipient or sub-
16 recipient of funds under this chapter.

17 “(B) LOW-INCOME INDIVIDUAL.—The
18 term ‘low-income individual’ means an indi-
19 vidual—

20 “(i) that has qualified for—

21 “(I) any program of medical as-
22 sistance under a State plan or under
23 a waiver of the plan under title XIX
24 of the Social Security Act (42 U.S.C.
25 1396 et seq.);

1 “(II) supplemental nutrition as-
2 sistance program (SNAP) under the
3 Food and Nutrition Act of 2008 (7
4 U.S.C. 2011 et seq.);

5 “(III) the program of block
6 grants for States for temporary assist-
7 ance for needy families (TANF) es-
8 tablished under part A of title IV of
9 the Social Security Act (42 U.S.C.
10 601 et seq.);

11 “(IV) the free and reduced price
12 school lunch program established
13 under the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1751 et
15 seq.);

16 “(V) a housing voucher through
17 section 8(o) of the United States
18 Housing Act of 1937 (42 U.S.C.
19 1437f(o));

20 “(VI) benefits under the Low-In-
21 come Home Energy Assistance Act of
22 1981; or

23 “(VII) special supplemental food
24 program for women, infants and chil-
25 dren (WIC) under section 17 of the

1 Child Nutrition Act of 1966 (42
2 U.S.C. 1786); or

3 “(ii) whose family income is at or
4 below a set percent (as determined by the
5 eligible recipient) of the poverty line (as
6 that term is defined in section 673(2) of
7 the Community Service Block Grant Act
8 (42 U.S.C. 9902(2)), including any revi-
9 sion required by that section) for a family
10 of the size involved.

11 “(8) REPORT.—The Secretary shall designate a
12 university transportation center under section 5505
13 to collaborate with the eligible entities receiving a
14 grant under this subsection to collect necessary data
15 to evaluate the effectiveness of meeting the targets
16 described in the application of such recipient, includ-
17 ing increased ridership and progress towards signifi-
18 cantly closing transit equity gaps.”.

19 **Subtitle F—Supporting Frontline**
20 **Workers and Passenger Safety**

21 **SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE**
22 **TRAINING CENTER.**

23 Section 5314(b) of title 49, United States Code, is
24 amended—

1 (1) by striking paragraph (2) and inserting the
2 following:

3 “(2) NATIONAL TRANSIT FRONTLINE WORK-
4 FORCE TRAINING CENTER.—

5 “(A) ESTABLISHMENT.—The Secretary
6 shall establish a national transit frontline work-
7 force training center (hereinafter referred to as
8 the ‘Center’) and award grants to a nonprofit
9 organization with a demonstrated capacity to
10 develop and provide transit career ladder pro-
11 grams through labor-management partnerships
12 and apprenticeships on a nationwide basis, in
13 order to carry out the duties under subpara-
14 graph (B). The Center shall be dedicated to the
15 needs of the frontline transit workforce in both
16 rural and urban transit systems by providing
17 standards-based training in the maintenance
18 and operations occupations.

19 “(B) DUTIES.—

20 “(i) IN GENERAL.—In cooperation
21 with the Administrator of the Federal
22 Transit Administration, public transpor-
23 tation authorities, and national entities,
24 the Center shall develop and conduct train-
25 ing and educational programs for frontline

1 local transportation employees of recipients
2 eligible for funds under this chapter.

3 “(ii) TRAINING AND EDUCATIONAL
4 PROGRAMS.—The training and educational
5 programs developed under clause (i) may
6 include courses in recent developments,
7 techniques, and procedures related to—

8 “(I) developing consensus na-
9 tional training standards in partner-
10 ship with industry stakeholders for
11 key frontline transit occupations with
12 demonstrated skill gaps;

13 “(II) developing national systems
14 of qualification and apprenticeship for
15 transit maintenance and operations
16 occupations;

17 “(III) building local, regional,
18 and statewide transit training part-
19 nerships to identify and address work-
20 force skill gaps and develop skills
21 needed for delivering quality transit
22 service and supporting employee ca-
23 reer advancement;

24 “(IV) developing programs for
25 training of transit frontline workers,

1 instructors, mentors, and labor-man-
2 agement partnership representatives,
3 in the form of classroom, hands-on,
4 on-the-job, and web-based training,
5 delivered at a national center, region-
6 ally, or at individual transit agencies;

7 “(V) developing training pro-
8 grams for skills related to existing
9 and emerging transit technologies, in-
10 cluding zero emission buses;

11 “(VI) developing improved capac-
12 ity for safety, security, and emergency
13 preparedness in local transit systems
14 and in the industry as a whole
15 through—

16 “(aa) developing the role of
17 the transit frontline workforce in
18 building and sustaining safety
19 culture and safety systems in the
20 industry and in individual public
21 transportation systems; and

22 “(bb) training to address
23 transit frontline worker roles in
24 promoting health and safety for

1 transit workers and the riding
2 public;

3 “(VII) developing local transit
4 capacity for career pathways partner-
5 ships with schools and other commu-
6 nity organizations for recruiting and
7 training under-represented popu-
8 lations as successful transit employees
9 who can develop careers in the transit
10 industry; and

11 “(VIII) in collaboration with the
12 Administrator of the Federal Transit
13 Administration and organizations rep-
14 resenting public transit agencies, con-
15 ducting and disseminating research
16 to—

17 “(aa) provide transit work-
18 force job projections and identify
19 training needs and gaps;

20 “(bb) determine the most
21 cost-effective methods for transit
22 workforce training and develop-
23 ment, including return on invest-
24 ment analysis;

1 “(cc) identify the most effective
2 methods for implementing
3 successful safety systems and a
4 positive safety culture; and

5 “(dd) promote transit work-
6 force best practices for achieving
7 cost-effective, quality, safe, and
8 reliable public transportation
9 services.

10 “(C) COORDINATION.—The Secretary shall
11 coordinate activities under this section, to the
12 maximum extent practicable, with the National
13 Office of Apprenticeship of the Department of
14 Labor and the Office of Career, Technical, and
15 Adult Education of the Department of Edu-
16 cation.

17 “(D) AVAILABILITY OF AMOUNTS.—

18 “(i) IN GENERAL.—Not more than 1
19 percent of amounts made available to a re-
20 cipient under sections 5307, 5311, 5337,
21 and 5339 is available for expenditures by
22 the recipient, with the approval of the Sec-
23 retary, to pay not more than 80 percent of
24 the cost of eligible activities under this
25 subsection.

1 “(ii) EXISTING PROGRAMS.—A recipi-
2 ent may use amounts made available under
3 clause (i) to carry out existing local edu-
4 cation and training programs for public
5 transportation employees supported by the
6 Secretary, the Department of Labor, or
7 the Department of Education.”;

8 (2) in paragraph (3) by striking “or (2)”; and
9 (3) by striking paragraph (4).

10 **SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

11 Section 5329 of title 49, United States Code, is
12 amended—

13 (1) in subsection (b)(2)(C)(ii)—

14 (A) in subclause (I) by striking “and” at
15 the end;

16 (B) in subclause (II) by striking the semi-
17 colon and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(III) innovations in driver as-
20 sistance technologies and driver pro-
21 tection infrastructure where appro-
22 priate, and a reduction in visibility
23 impairments that contribute to pedes-
24 trian fatalities.”;

25 (2) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A) by inserting
3 “the safety committee established under
4 paragraph (4), and subsequently,” before
5 “the board of directors”;

6 (ii) in subparagraph (C) by striking
7 “public, personnel, and property” and in-
8 serting “public and personnel to injuries,
9 assaults, and fatalities, and strategies to
10 minimize the exposure of property”;

11 (iii) by striking subparagraph (G) and
12 inserting the following:

13 “(G) a comprehensive staff training pro-
14 gram for the operations and maintenance per-
15 sonnel and personnel directly responsible for
16 safety of the recipient that includes—

17 “(i) the completion of a safety train-
18 ing program;

19 “(ii) continuing safety education and
20 training; and

21 “(iii) de-escalation training;

22 “(H) a requirement that the safety com-
23 mittee only approve a safety plan under sub-
24 paragraph (A) if such plan stays within such
25 recipient’s fiscal budget; and

1 “(I) a risk reduction program for transit
2 operations to improve safety by reducing the
3 number and rates of accidents, injuries, and as-
4 saults on transit workers using data submitted
5 to the National Transit Database, including—

6 “(i) a reduction of vehicular and pe-
7 destrian accidents involving buses that in-
8 cludes measures to reduce visibility impair-
9 ments for bus operators that contribute to
10 accidents, including retrofits to buses in
11 revenue service and specifications for fu-
12 ture procurements that reduce visibility
13 impairments; and

14 “(ii) transit worker assault mitigation,
15 including the deployment of assault mitiga-
16 tion infrastructure and technology on
17 buses, including barriers to restrict the un-
18 wanted entry of individuals and objects
19 into bus operators’ workstations when a re-
20 cipient’s risk analysis performed by the
21 safety committee established in paragraph
22 (4) determines that such barriers or other
23 measures would reduce assaults on and in-
24 juries to transit workers; and”;

25 (B) by adding at the end the following:

1 “(4) SAFETY COMMITTEE.—For purposes of the
2 approval process of an agency safety plan under
3 paragraph (1), the safety committee shall be con-
4 vened by a joint labor-management process and con-
5 sist of an equal number of—

6 “(A) frontline employee representatives, se-
7 lected by the labor organization representing
8 the plurality of the frontline workforce em-
9 ployed by the recipient or if applicable a con-
10 tractor to the recipient; and

11 “(B) employer or State representatives.”;
12 and

13 (3) in subsection (e)(4)(A)(v) by inserting “, in-
14 spection,” after “has investigative”.

15 **SEC. 2603. INNOVATION WORKFORCE STANDARDS.**

16 (a) PROHIBITION ON USE OF FUNDS.—No financial
17 assistance under chapter 53 of title 49, United States
18 Code, may be used for—

19 (1) an automated vehicle providing public trans-
20 portation unless—

21 (A) the recipient of such assistance that
22 proposes to deploy an automated vehicle pro-
23 viding public transportation certifies to the Sec-
24 retary of Transportation that the deployment
25 does not duplicate, eliminate, or reduce the fre-

1 quency of existing public transportation service;
2 and

3 (B) the Secretary receives, approves, and
4 publishes the workforce development plan under
5 subsection (b) submitted by the eligible entity
6 when required by subsection (b)(1); and
7 (2) a mobility on demand service unless—

8 (A) the recipient of such assistance that
9 proposes to deploy a mobility on demand service
10 certifies to the Secretary that the service meets
11 the criteria under section 5316 of title 49,
12 United States Code; and

13 (B) the Secretary receives, approves, and
14 publishes the workforce development plan under
15 subsection (b) submitted by the eligible entity
16 when required by subsection (b)(1).

17 (b) WORKFORCE DEVELOPMENT PLAN.—

18 (1) IN GENERAL.—A recipient of financial as-
19 sistance under chapter 53 of title 49, United States
20 Code, proposing to deploy an automated vehicle pro-
21 viding public transportation or mobility on demand
22 service shall submit to the Secretary, prior to imple-
23 mentation of such service, a workforce development
24 plan if such service, combined with any other auto-
25 mated vehicle providing public transportation or mo-

1 bility on demand service offered by such recipient,
2 would exceed by more than 0.5 percent of the recipi-
3 ent's total transit passenger miles traveled.

4 (2) CONTENTS.—The workforce development
5 plan under subsection (a) shall include the following:

6 (A) A description of services offered by ex-
7 isting modes of public transportation in the
8 area served by the recipient that could be af-
9 fected by the proposed automated vehicle pro-
10 viding public transportation or mobility on de-
11 mand service, including jobs and functions of
12 such jobs.

13 (B) A forecast of the number of jobs pro-
14 vided by existing modes of public transportation
15 that would be eliminated or that would be sub-
16 stantially changed and the number of jobs ex-
17 pected to be created by the proposed automated
18 vehicle providing public transportation or mobil-
19 ity on demand service over a 5-year period from
20 the date of the publication of the workforce de-
21 velopment plan.

22 (C) Identified gaps in skills needed to op-
23 erate and maintain the proposed automated ve-
24 hicle providing public transportation or mobility
25 on demand service.

1 (D) A comprehensive plan to transition,
2 train, or retrain employees that could be af-
3 fected by the proposed automated vehicle pro-
4 viding public transportation or mobility on de-
5 mand service.

6 (E) An estimated budget to transition,
7 train, or retrain employees impacted by the pro-
8 posed automated vehicle providing public trans-
9 portation or mobility on demand service over a
10 5-year period from the date of the publication
11 of the workforce development plan.

12 (c) NOTICE REQUIRED.—

13 (1) IN GENERAL.—A recipient of financial as-
14 sistance under chapter 53 of title 49, United States
15 Code, shall issue a notice to employees who, due to
16 the use of an automated vehicle providing public
17 transportation or mobility on demand service, may
18 be subjected to a loss of employment or a change in
19 responsibilities not later than 60 days before issuing
20 a request for proposals to procure or contract for
21 such a vehicle.

22 (2) CONTENT.—The notice required in para-
23 graph (1) shall include the following:

1 (A) A description of the automated vehicle
2 providing public transportation or mobility on
3 demand service.

4 (B) The impact of the automated vehicle
5 providing public transportation or mobility on
6 demand service on employment positions, in-
7 cluding a description of which employment posi-
8 tions will be affected and whether any new posi-
9 tions will be created.

10 (d) DEFINITIONS.—In this section:

11 (1) AUTOMATED VEHICLE.—The term “auto-
12 mated vehicle” means a motor vehicle that—

13 (A) is capable of performing the entire
14 task of driving (including steering, accelerating
15 and decelerating, and reacting to external stim-
16 ulus) without human intervention; and

17 (B) is designed to be operated exclusively
18 by a Level 4 or Level 5 automated driving sys-
19 tem for all trips according to the recommended
20 practice standards published on June 15, 2018,
21 by the Society of Automotive Engineers Inter-
22 national (J3016__201806) or equivalent stand-
23 ards adopted by the Secretary with respect to
24 automated motor vehicles.

1 (2) MOBILITY ON DEMAND.—The term “mobil-
2 ity on demand” has the meaning given such term in
3 section 5316 of title 49, United States Code.

4 (3) PUBLIC TRANSPORTATION.—The term
5 “public transportation” has the meaning given such
6 term in section 5302 of title 49, United States Code.

7 **SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET**
8 **ASIDES.**

9 Section 5329(d)(2) of title 49, United States Code,
10 is amended to read as follows:

11 “(2) SAFETY COMMITTEE PERFORMANCE MEAS-
12 URES.—

13 “(A) IN GENERAL.—The safety committee
14 described in paragraph (4) shall establish per-
15 formance measures for the risk reduction pro-
16 gram in paragraph (1)(I) using a 3-year rolling
17 average of the data submitted by the recipient
18 to the National Transit Database.

19 “(B) SAFETY SET ASIDE.—With respect to
20 a recipient serving an urbanized area that re-
21 ceives funds under section 5307, such recipient
22 shall allocate not less than 0.75 percent of such
23 funds to projects eligible under 5307.

24 “(C) FAILURE TO MEET PERFORMANCE
25 MEASURES.—Any recipient that receives funds

1 under section 5307 that does not meet the per-
2 formance measures established in subparagraph
3 (A) shall allocate the amount made available in
4 subparagraph (B) in the following fiscal year to
5 projects described in subparagraph (D).

6 “(D) ELIGIBLE PROJECTS.—Funds set
7 aside under this paragraph shall be used for
8 projects that are reasonably likely to meet the
9 performance measures established in subpara-
10 graph (A), including modifications to rolling
11 stock and de-escalation training.”

12 **SEC. 2605. U.S. EMPLOYMENT PLAN.**

13 (a) IN GENERAL.—Chapter 53 of title 49, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 5341. U.S. Employment Plan**

17 “(a) DEFINITIONS.—In this section:

18 “(1) COMMITMENT TO HIGH-QUALITY CAREER
19 AND BUSINESS OPPORTUNITIES.—The term ‘com-
20 mitment to high-quality career and business oppor-
21 tunities’ means participation in a registered appren-
22 ticeship program.

23 “(2) COVERED INFRASTRUCTURE PROGRAM.—
24 The term ‘covered infrastructure program’ means
25 any activity under program or project under this

1 chapter for the purchase or acquisition of rolling
2 stock.

3 “(3) U.S. EMPLOYMENT PLAN.—The term ‘U.S.
4 Employment Plan’ means a plan under which an en-
5 tity receiving Federal assistance for a project under
6 a covered infrastructure program shall—

7 “(A) include in a request for proposal an
8 encouragement for bidders to include, with re-
9 spect to the project—

10 “(i) high-quality wage, benefit, and
11 training commitments by the bidder and
12 the supply chain of the bidder for the
13 project; and

14 “(ii) a commitment to recruit and hire
15 individuals described in subsection (e) if
16 the project results in the hiring of employ-
17 ees not currently or previously employed by
18 the bidder and the supply chain of the bid-
19 der for the project;

20 “(B) give preference for the award of the
21 contract to a bidder that includes the commit-
22 ments described in clauses (i) and (ii) of sub-
23 paragraph (A); and

24 “(C) ensure that each bidder that includes
25 the commitments described in clauses (i) and

1 (ii) of subparagraph (A) that is awarded a con-
2 tract complies with those commitments.

3 “(4) REGISTERED APPRENTICESHIP PRO-
4 GRAM.—The term ‘registered apprenticeship pro-
5 gram’ means an apprenticeship program registered
6 with the Department of Labor or a Federally-recog-
7 nized State Apprenticeship Agency and that com-
8 plies with the requirements under parts 29 and 30
9 of title 29, Code of Federal Regulations, as in effect
10 on January 1, 2019.

11 “(b) BEST-VALUE FRAMEWORK.—To the maximum
12 extent practicable, a recipient of assistance under a cov-
13 ered infrastructure program is encouraged—

14 “(1) to ensure that each dollar invested in in-
15 frastructure uses a best-value contracting framework
16 to maximize the local value of federally funded con-
17 tracts by evaluating bids on price and other tech-
18 nical criteria prioritized in the bid, such as—

19 “(A) equity;

20 “(B) environmental and climate justice;

21 “(C) impact on greenhouse gas emissions;

22 “(D) resilience;

23 “(E) the results of a 40-year life-cycle
24 analysis;

25 “(F) safety;

1 “(G) commitment to creating or sustaining
2 high-quality job opportunities affiliated with
3 registered apprenticeship programs (as defined
4 in subsection (a)(3)) for disadvantaged or
5 underrepresented individuals in infrastructure
6 industries in the United States; and

7 “(H) access to jobs and essential services
8 by all modes of travel for all users, including
9 disabled individuals; and

10 “(2) to ensure community engagement, trans-
11 parency, and accountability in carrying out each
12 stage of the project.

13 “(c) PREFERENCE FOR REGISTERED APPRENTICE-
14 SHIP PROGRAMS.—To the maximum extent practicable, a
15 recipient of assistance under a covered infrastructure pro-
16 gram, with respect to the project for which the assistance
17 is received, shall give preference to a bidder that dem-
18 onstrates a commitment to high-quality job opportunities
19 affiliated with registered apprenticeship programs.

20 “(d) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
21 standing any other provision of law, in carrying out a
22 project under a covered infrastructure program, each enti-
23 ty that receives Federal assistance shall use a U.S. Em-
24 ployment Plan for each contract of \$10,000,000 or more

1 for the purchase of manufactured goods or of services,
2 based on an independent cost estimate.

3 “(e) PRIORITY.—The head of the relevant Federal
4 agency shall ensure that the entity carrying out a project
5 under the covered infrastructure program gives priority
6 to—

7 “(1) individuals with a barrier to employment
8 (as defined in section 3 of the Workforce Innovation
9 and Opportunity Act (29 U.S.C. 3102)), including
10 ex-offenders and disabled individuals;

11 “(2) veterans; and

12 “(3) individuals that represent populations that
13 are traditionally underrepresented in the infrastruc-
14 ture workforce, such as women and racial and ethnic
15 minorities.

16 “(f) REPORT.—Not less frequently than once each
17 fiscal year, the heads of the relevant Federal agencies shall
18 jointly submit to Congress a report describing the imple-
19 mentation of this section.

20 “(g) INTENT OF CONGRESS.—

21 “(1) IN GENERAL.—It is the intent of Con-
22 gress—

23 “(A) to encourage recipients of Federal as-
24 sistance under covered infrastructure programs
25 to use a best-value contracting framework de-

1 scribed in subsection (b) for the purchase of
2 goods and services;

3 “(B) to encourage recipients of Federal as-
4 sistance under covered infrastructure programs
5 to use preferences for registered apprenticeship
6 programs as described in subsection (c) when
7 evaluating bids for projects using that assist-
8 ance;

9 “(C) to require that recipients of Federal
10 assistance under covered infrastructure pro-
11 grams use the U.S. Employment Plan in car-
12 rying out the project for which the assistance
13 was provided; and

14 “(D) that full and open competition under
15 covered infrastructure programs means a proce-
16 dural competition that prevents corruption, fa-
17 voritism, and unfair treatment by recipient
18 agencies.

19 “(2) INCLUSION.—A best-value contracting
20 framework described in subsection (b) is a frame-
21 work that authorizes a recipient of Federal assist-
22 ance under a covered infrastructure program, in
23 awarding contracts, to evaluate a range of factors,
24 including price, the quality of products, the quality

1 of services, and commitments to the creation of good
2 jobs for all people in the United States.

3 “(h) AWARD BASIS.—

4 “(1) PRIORITY FOR TARGETED HIRING OR U.S.
5 EMPLOYMENT PLAN PROJECTS.—In awarding grants
6 under this section, the Secretary shall give priority
7 to eligible entities that—

8 “(A) ensure that not less than 50 percent
9 of the workers hired to participate in the job
10 training program are hired through local hiring
11 in accordance with subsection (e), including by
12 prioritizing individuals with a barrier to employ-
13 ment (including ex-offenders), disabled individ-
14 uals (meaning an individual with a disability (as
15 defined in section 3 of the Americans with Dis-
16 abilities Act of 1990 (42 U.S.C. 12102)), vet-
17 erans, and individuals that represent popu-
18 lations that are traditionally underrepresented
19 in the infrastructure workforce; or

20 “(B) ensure the commitments described in
21 clauses (i) and (ii) of subsection (a)(2)(A) with
22 respect to carrying out the job training pro-
23 gram.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 53 of title 49, United States Code, is amended by add-
3 ing at the end the following:

“5341. U.S. Employment Plan.”.

4 **SEC. 2606. TECHNICAL ASSISTANCE AND WORKFORCE DE-**
5 **VELOPMENT.**

6 (a) IN GENERAL.—Section 5314(a) of title 49,
7 Unites States Code, is amended—

8 (1) in paragraph (2)—

9 (A) in subparagraph (H) by striking “and”
10 at the end;

11 (B) by redesignating subparagraph (I) as
12 subparagraph (J); and

13 (C) by inserting after subparagraph (H)
14 the following:

15 “(I) provide innovation and capacity-build-
16 ing to rural and tribal public transportation re-
17 cipients but that not to duplicate the activities
18 of sections 5311(b) or 5312; and”;

19 (2) by adding at the end the following:

20 “(4) AVAILABILITY OF AMOUNTS.—Of the
21 amounts made available to carry out this section
22 under section 5338(c), \$1,500,000 shall be available
23 to carry out activities described in paragraph
24 (2)(I).”.

1 (b) AVAILABILITY OF AMOUNTS.— Section
2 5314(c)(4)(A) of title 49, United States Code, is amended
3 by inserting “5311,” after “5307,”.

4 **Subtitle G—Transit-Supportive**
5 **Communities**

6 **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

7 (a) IN GENERAL.—Chapter 53 of title 49, United
8 States Code, is amended by inserting after section 5327
9 the following:

10 **“§ 5328. Transit-supportive communities**

11 “(a) ESTABLISHMENT.—The Secretary shall estab-
12 lish within the Federal Transit Administration, an Office
13 of Transit-Supportive Communities to make grants, pro-
14 vide technical assistance, and assist in the coordination
15 of transit and housing policies within the Federal Transit
16 Administration, the Department of Transportation, and
17 across the Federal Government.

18 “(b) TRANSIT ORIENTED DEVELOPMENT PLANNING
19 GRANT PROGRAM.—

20 “(1) DEFINITION.—In this subsection the term
21 ‘eligible project’ means—

22 “(A) a new fixed guideway capital project
23 or a core capacity improvement project as de-
24 fined in section 5309;

1 “(B) an existing fixed guideway system, or
2 an existing station that is served by a fixed
3 guideway system; or

4 “(C) the immediate corridor along the
5 highest 25 percent of routes by ridership as
6 demonstrated in section 5336(b)(2)(B).

7 “(2) GENERAL AUTHORITY.—The Secretary
8 may make grants under this subsection to a State
9 , local governmental authority, or metropolitan plan-
10 ning organization to assist in financing comprehen-
11 sive planning associated with an eligible project that
12 seeks to—

13 “(A) enhance economic development, rider-
14 ship, and other goals established during the
15 project development and engineering processes
16 or the grant application;

17 “(B) facilitate multimodal connectivity and
18 accessibility;

19 “(C) increase access to transit hubs for pe-
20 destrian and bicycle traffic;

21 “(D) enable mixed-use development;

22 “(E) identify infrastructure needs associ-
23 ated with the eligible project; and

24 “(F) include private sector participation.

1 “(3) ELIGIBILITY.—A State , local govern-
2 mental authority, or metropolitan planning organiza-
3 tion that desires to participate in the program under
4 this subsection shall submit to the Secretary an ap-
5 plication that contains at a minimum—

6 “(A) an identification of an eligible project;

7 “(B) a schedule and process for the devel-
8 opment of a comprehensive plan;

9 “(C) a description of how the eligible
10 project and the proposed comprehensive plan
11 advance the metropolitan transportation plan of
12 the metropolitan planning organization;

13 “(D) proposed performance criteria for the
14 development and implementation of the com-
15 prehensive plan;

16 “(E) a description of how the project will
17 reduce and mitigate social and economic im-
18 pacts on existing residents and businesses vul-
19 nerable to displacement; and

20 “(F) identification of—

21 “(i) partners;

22 “(ii) availability of and authority for
23 funding; and

1 “(iii) potential State, local or other
2 impediments to the implementation of the
3 comprehensive plan.

4 “(4) COST SHARE.—A grant under this sub-
5 section shall not exceed an amount in excess of 80
6 percent of total project costs, except that a grant
7 that includes an affordable housing component shall
8 not exceed an amount in excess of 90 percent of
9 total project costs.

10 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
11 provide technical assistance to States, local governmental
12 authorities, and metropolitan planning organizations in
13 the planning and development of transit-oriented develop-
14 ment projects and transit supportive corridor policies, in-
15 cluding—

16 “(1) the siting, planning, financing, and inte-
17 gration of transit-oriented development projects;

18 “(2) the integration of transit-oriented develop-
19 ment and transit-supportive corridor policies in the
20 preparation for and development of an application
21 for funding under section 602 of title 23;

22 “(3) the siting, planning, financing, and inte-
23 gration of transit-oriented development and transit
24 supportive corridor policies associated with projects
25 under section 5309;

1 “(4) the development of housing feasibility as-
2 sessments as allowed under section 5309(g)(3)(B);

3 “(5) the development of transit-supportive cor-
4 ridor policies that promote transit ridership and
5 transit-oriented development;

6 “(6) the development, implementation, and
7 management of land value capture programs; and

8 “(7) the development of model contracts, model
9 codes, and best practices for the implementation of
10 transit-oriented development projects and transit-
11 supportive corridor policies.

12 “(d) VALUE CAPTURE POLICY REQUIREMENTS.—

13 “(1) VALUE CAPTURE POLICY.—Not later than
14 October 1 of the fiscal year that begins 2 years after
15 the date of enactment of this section, the Secretary,
16 in collaboration with State departments of transpor-
17 tation, metropolitan planning organizations, and re-
18 gional council of governments, shall establish vol-
19 untary and consensus-based value capture stand-
20 ards, policies, and best practices for State and local
21 value capture mechanisms that promote greater in-
22 vestments in public transportation and affordable
23 transit-oriented development.

24 “(2) REPORT.—Not later than 15 months after
25 the date of enactment of this section, the Secretary

1 shall make available to the public a report cataloging
2 examples of State and local laws and policies that
3 provide for value capture and value sharing that pro-
4 mote greater investment in public transportation and
5 affordable transit-oriented development.

6 “(d) EQUITY.—In providing technical assistance
7 under subsection (c), the Secretary shall incorporate strat-
8 egies to promote equity for underrepresented and under-
9 served communities, including—

10 “(1) preventing displacement of existing resi-
11 dents and businesses;

12 “(2) mitigating rent and housing price in-
13 creases;

14 “(3) incorporating affordable rental and owner-
15 ship housing in transit-oriented development;

16 “(4) engaging under-served, limited English
17 proficiency, low income, and minority communities
18 in the planning process;

19 “(5) fostering economic development opportuni-
20 ties for existing residents and businesses; and

21 “(6) targeting affordable housing that help less-
22 en homelessness.

23 “(d) AUTHORITY TO REQUEST STAFFING ASSIST-
24 ANCE.—In fulfilling the duties of this section, the Sec-
25 retary shall, as needed, request staffing and technical as-

1 sistance from other Federal agencies, programs, adminis-
2 trations, boards, or commissions.

3 “(e) REVIEW EXISTING POLICIES AND PROGRAMS.—

4 Not later than 24 months after the date of enactment of
5 this section, the Secretary shall review and evaluate all
6 existing policies and programs within the Federal Transit
7 Administration that support or promote transit-oriented
8 development to ensure their coordination and effectiveness
9 relative to the goals of this section.

10 “(f) REPORTING.—Not later than February 1 of each

11 year beginning the year after the date of enactment of
12 this section, the Secretary shall prepare a report detailing
13 the grants and technical assistance provided under this
14 section, the number of affordable housing units con-
15 structed or planned as a result of projects funded in this
16 section, and the number of affordable housing units con-
17 structed or planned as a result of a property transfer
18 under section 5334(h)(1). The report shall be provided to
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on
21 Banking, Housing, and Urban Affairs of the Senate.

22 “(g) SAVINGS CLAUSE.—Nothing in this section au-

23 thORIZES the Secretary to provide any financial assistance
24 for the construction of housing.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 53 of title 49, United States Code, is amended by in-
3 serting after the item relating to section 5327 the fol-
4 lowing:

“5328. Transit-supportive communities.”.

5 (c) TECHNICAL AND CONFORMING AMENDMENT.—
6 Section 20005 of the MAP-21 (Public Law 112-141) is
7 amended—

8 (1) by striking “(a) AMENDMENT.—”; and

9 (2) by striking subsection (b).

10 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
11 **HOUSING.**

12 Section 5334(h)(1) of title 49, United States Code,
13 is amended to read as follows:

14 “(1) IN GENERAL.—If a recipient of assistance
15 under this chapter decides an asset acquired under
16 this chapter at least in part with that assistance is
17 no longer needed for the purpose for which such
18 asset was acquired, the Secretary may authorize the
19 recipient to transfer such asset to—

20 “(A) a local governmental authority to be
21 used for a public purpose with no further obli-
22 gation to the Government if the Secretary de-
23 cides—

1 “(i) the asset will remain in public use
2 for at least 5 years after the date the asset
3 is transferred;

4 “(ii) there is no purpose eligible for
5 assistance under this chapter for which the
6 asset should be used;

7 “(iii) the overall benefit of allowing
8 the transfer is greater than the interest of
9 the Government in liquidation and return
10 of the financial interest of the Government
11 in the asset, after considering fair market
12 value and other factors; and

13 “(iv) through an appropriate screen-
14 ing or survey process, that there is no in-
15 terest in acquiring the asset for Govern-
16 ment use if the asset is a facility or land;
17 or

18 “(B) a local governmental authority, non-
19 profit organization, or other third party entity
20 to be used for the purpose of transit-oriented
21 development with no further obligation to the
22 Government if the Secretary decides—

23 “(i) the asset is a necessary compo-
24 nent of a proposed transit-oriented devel-
25 opment project;

1 “(ii) the transit-oriented development
2 project will increase transit ridership;

3 “(iii) at least 40 percent of the hous-
4 ing units offered in the transit-oriented de-
5 velopment , including housing units owned
6 by nongovernmental entities, are legally
7 binding affordability restricted to tenants
8 with incomes at or below 60 percent of the
9 area median income and/or owners with in-
10 comes at or below 60 percent the area me-
11 dian income;

12 “(iv) the asset will remain in use as
13 described in this section for at least 30
14 years after the date the asset is trans-
15 ferred; and

16 “(v) with respect to a transfer to a
17 third party entity—

18 “(I) a local government authority
19 or nonprofit organization is unable to
20 receive the property; and

21 “(II) the overall benefit of allow-
22 ing the transfer is greater than the in-
23 terest of the Government in liquida-
24 tion and return of the financial inter-
25 est of the Government in the asset,

1 after considering fair market value
2 and other factors.

3 “(III) the third party has dem-
4 onstrated a satisfactory history of
5 construction or operating an afford-
6 able housing development.”.

7 **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**
8 **INVESTMENT GRANTS.**

9 Section 5309 of title 49, United States Code, is
10 amended—

11 (1) in subsection (g)—

12 (A) in paragraph (2)(B)—

13 (i) in clause (i) by striking “; and”
14 and inserting a semicolon;

15 (ii) in clause (ii) by striking the pe-
16 riod and inserting “; and”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(iii) in the case of a new fixed guide-
20 way capital project or a core capacity im-
21 provement project, allow a weighting five
22 points greater to the economic development
23 subfactor and five points lesser to the low-
24 est scoring subfactor if the applicant dem-
25 onstrates substantial efforts to preserve or

1 encourage affordable housing near the
2 project by providing documentation of poli-
3 cies that allow by-right multi-family hous-
4 ing, single room occupancy units, or acces-
5 sory dwelling units, providing local capital
6 sources for transit-oriented development,
7 or demonstrate other methods as deter-
8 mined by the Secretary.”; and

9 (B) in paragraph (3), as amended by this
10 Act, by adding at the end the following:

11 “(B) establish a warrant that applies to
12 the economic development project justification
13 criteria, provided that the applicant that re-
14 quests a warrant under this process has com-
15 pleted and submitted a housing feasibility as-
16 sessment.”; and

17 (2) in subsection (l)(4)—

18 (A) in subparagraph (B) by striking “; or”
19 and inserting a semicolon;

20 (B) in subparagraph (C) by striking the
21 period and inserting “; or”; and

22 (C) by adding at the end the following:

23 “(D) from grant proceeds distributed
24 under section 103 of the Housing and Commu-
25 nity Development Act of 1974 (42 U.S.C.

1 5303) or section 201 of the Public Works and
2 Economic Development Act of 1965 (42 U.S.C.
3 3141) provided that—

4 “(i) such funds are used in conjunc-
5 tion with the planning or development of
6 affordable housing; and

7 “(ii) such affordable housing is lo-
8 cated within one-half of a mile of a new
9 station.”.

10 **Subtitle H—Innovation**

11 **SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.**

12 Section 5312(d) of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(3) MOBILITY INNOVATION SANDBOX PRO-
15 GRAM.—The Secretary may make funding available
16 under this subsection to carry out research on mobil-
17 ity on demand and mobility as a service activities eli-
18 gible under section 5316.”.

19 **SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE- 20 SIGN PROGRAM.**

21 Section 5312(d) of title 49, United States Code, is
22 further amended by adding at the end the following:

23 “(4) TRANSIT BUS OPERATOR COMPARTMENT
24 REDESIGN PROGRAM.—

1 “(A) IN GENERAL.—The Secretary may
2 make funding available under this subsection to
3 carry out research on redesigning transit bus
4 operator compartments to improve safety, oper-
5 ational efficiency, and passenger accessibility.

6 “(B) OBJECTIVES.—Research objectives
7 under this paragraph shall include—

8 “(i) increasing bus operator safety
9 from assaults;

10 “(ii) optimizing operator visibility and
11 reducing operator distractions to improve
12 safety of bus passengers, pedestrians,
13 bicyclists, and other roadway users;

14 “(iii) expanding passenger accessi-
15 bility for positive interactions between op-
16 erators and passengers, including assisting
17 passengers in need of special assistance;

18 “(iv) accommodating compliance for
19 passenger boarding, alighting, and secure-
20 ment with the Americans with Disabilities
21 Act of 1990 (42 U.S.C. 12101 et seq.);
22 and

23 “(v) improving ergonomics to reduce
24 bus operator work-related health issues
25 and injuries, as well as locate key instru-

1 ment and control interfaces to improve
2 operational efficiency and convenience.

3 “(C) ACTIVITIES.—Eligible activities under
4 this paragraph shall include—

5 “(i) measures to reduce visibility im-
6 pairments and distractions for bus opera-
7 tors that contribute to accidents, including
8 retrofits to buses in revenue service and
9 specifications for future procurements that
10 reduce visibility impairments and distrac-
11 tions;

12 “(ii) the deployment of assault mitiga-
13 tion infrastructure and technology on
14 buses, including barriers to restrict the un-
15 wanted entry of individuals and objects
16 into bus operators’ workstations;

17 “(iii) technologies to improve pas-
18 senger accessibility, including boarding,
19 alighting, and securement in compliance
20 with the Americans with Disabilities Act of
21 1990 (42 U.S.C. 12101 et seq.);

22 “(iv) installation of seating and modi-
23 fication to design specifications of bus op-
24 erator workstations that reduce or prevent
25 injuries from ergonomic risks; or

1 “(v) other measures that align with
2 the objectives under subparagraph (B).

3 “(D) ELIGIBLE ENTITIES.—Entities eligi-
4 ble to receive funding under this paragraph
5 shall include consortia consisting of, at a min-
6 imum:

7 “(i) recipients of funds under this
8 chapter that provide public transportation
9 services;

10 “(ii) transit vehicle manufacturers;

11 “(iii) representatives from organiza-
12 tions engaged in collective bargaining on
13 behalf of transit workers in not fewer than
14 3 States; and

15 “(iv) any nonprofit institution of high-
16 er education, as defined in section 101 of
17 the Higher Education Act of 1965 (20
18 U.S.C. 1001).”.

19 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**
20 **COUNTS INITIATIVE.**

21 Section 5312 of title 49, United States Code, as
22 amended by section 2503, is further amended by adding
23 at the end the following:

24 “(k) EVERY DAY COUNTS INITIATIVE.—

1 “(1) IN GENERAL.—It is in the national inter-
2 est for the Department of Transportation and recipi-
3 ents of Federal public transportation funds—

4 “(A) to identify, accelerate, and deploy in-
5 novation aimed at expediting project delivery,
6 enhancing the safety of transit systems of the
7 United States, and protecting the environment;

8 “(B) to ensure that the planning, design,
9 engineering, construction, and financing of
10 transportation projects is done in an efficient
11 and effective manner;

12 “(C) to promote the rapid deployment of
13 proven solutions that provide greater account-
14 ability for public investments; and

15 “(D) to create a culture of innovation
16 within the transit community.

17 “(2) FTA EVERY DAY COUNTS INITIATIVE.—To
18 advance the policies described in paragraph (1), the
19 Administrator of the Federal Transit Administration
20 shall adopt the Every Day Counts initiative to work
21 with recipients to identify and deploy the proven in-
22 novation practices and products that—

23 “(A) accelerate innovation deployment;

24 “(B) expedite the project delivery process;

25 “(C) improve environmental sustainability;

1 “(D) enhance transit safety;

2 “(E) expand mobility; and

3 “(F) reduce greenhouse gas emissions.

4 “(3) CONSIDERATION.—In accordance with the
5 Every Day Counts goals described in paragraphs (1)
6 and (2), the Administrator shall consider research
7 conducted through the university transportation cen-
8 ters program in section 5505.

9 “(4) INNOVATION DEPLOYMENT.—

10 “(A) IN GENERAL.—At least every 2 years,
11 the Administrator shall work collaboratively
12 with recipients to identify a new collection of in-
13 novations, best practices, and data to be de-
14 ployed to recipients through case studies,
15 webinars, and demonstration projects.

16 “(B) REQUIREMENTS.—In identifying a
17 collection described in subparagraph (A), the
18 Secretary shall take into account market readi-
19 ness, impacts, benefits, and ease of adoption of
20 the innovation or practice.

21 “(5) PUBLICATION.—Each collection identified
22 under paragraph (4) shall be published by the Ad-
23 ministrator on a publicly available website.”.

1 **SEC. 2804. TECHNICAL CORRECTIONS.**

2 Section 5312 of title 49, United States Code, as
3 amended in section 2503 and 2803, is further amended—

4 (1) in subsection (e)—

5 (A) in paragraph (3)(C) by striking “low
6 or no emission vehicles, zero emission vehicles,”
7 and inserting “zero emission vehicles”; and

8 (B) by striking paragraph (6) and insert-
9 ing the following:

10 “(6) ZERO EMISSION VEHICLE DEFINED.—In
11 this subsection, the term ‘zero emission vehicle’
12 means a passenger vehicle used to provide public
13 transportation that produces no carbon or particu-
14 late matter.”;

15 (2) by redesignating the first subsection (g) as
16 subsection (f); and

17 (3) in subsection (h)—

18 (A) in the header by striking “LOW OR NO
19 EMISSION” and inserting “ZERO EMISSION”;

20 (B) in paragraph (1)—

21 (i) by striking subparagraph (B) and
22 inserting the following:

23 “(B) the term ‘zero emission vehicle’ has
24 the meaning given such term in subsection
25 (e)(6);” and

1 (ii) in subparagraph (D) by striking
2 “low or no emission vehicle” and inserting
3 “zero emission vehicle” each place such
4 term appears;

5 (C) in paragraph (2)—

6 (i) in the heading by striking “LOW
7 OR NO EMISSION” and inserting “ZERO
8 EMISSION”; and

9 (ii) by striking “low or no emission”
10 and inserting “zero emission” each place
11 such term appears;

12 (D) in paragraph (3) by striking “low or
13 no emission” and inserting “zero emission”
14 each place such term appears; and

15 (E) in paragraph (5)(A) by striking “low
16 or no emission” and inserting “zero emission”.

17 **SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT**
18 **BUS DEVELOPMENT PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary shall establish
20 a national advanced technology transit bus development
21 program to facilitate the development and testing of com-
22 mercially viable advanced technology transit buses that do
23 not exceed a Level 3 automated driving system and related
24 infrastructure.

1 (b) AUTHORIZATION.—There shall be available
2 \$20,000,000 for each of fiscal years 2021 through 2025.

3 (c) GRANTS.—The Secretary may enter into grants,
4 contracts, and cooperative agreements with no more than
5 3 geographically diverse nonprofit organizations and re-
6 cipients under chapter 53 of title 49, United States Code,
7 to facilitate the development and testing of commercially
8 viable advance technology transit buses and related infra-
9 structure.

10 (d) CONSIDERATIONS.—The Secretary shall consider
11 the applicant's—

12 (1) ability to contribute significantly to fur-
13 thering advanced technologies as it relates to transit
14 bus operations, including advanced driver assistance
15 systems, automatic emergency braking, accessibility,
16 and energy efficiency;

17 (2) financing plan and cost share potential;

18 (3) technical experience developing or testing
19 advanced technologies in transit buses;

20 (4) commitment to frontline worker involve-
21 ment; and

22 (5) other criteria that the Secretary determines
23 are necessary to carry out the program.

24 The Secretary shall not consider applicants working on
25 autonomous vehicles.

1 (e) COMPETITIVE GRANT SELECTION.—The Sec-
2 retary shall conduct a national solicitation for applications
3 for grants under the program. Grant recipients shall be
4 selected on a competitive basis. The Secretary shall give
5 priority consideration to applicants that have successfully
6 managed advanced transportation technology projects, in-
7 cluding projects related to public transportation oper-
8 ations for a period of not less than 5 years.

9 (f) CONSORTIA.—As a condition of receiving an
10 award in (c), the Secretary shall ensure—

11 (1) that the selected non-profit recipients subse-
12 quently establish a consortia for each proposal sub-
13 mitted, including representatives from a labor union,
14 transit agency, an FTA-designated university bus
15 and component testing center, a Buy America com-
16 pliant transit bus manufacturer, and others as deter-
17 mined by the Secretary;

18 (2) that no proposal selected would decrease
19 workplace or passenger safety; and

20 (3) that no proposal selected would undermine
21 the creation of high-quality jobs or workforce sup-
22 port and development programs.

23 (g) FEDERAL SHARE.—The Federal share of costs
24 of the program shall be provided from funds made avail-
25 able to carry out this section. The Federal share of the

1 cost of a project carried out under the program shall not
2 exceed 80 percent of such cost.

3 **Subtitle I—Other Program**
4 **Reauthorizations**

5 **SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-**
6 **TIVE MAINTENANCE PROJECTS FOR WASH-**
7 **INGTON METROPOLITAN AREA TRANSIT AU-**
8 **THORITY.**

9 Section 601 of the Passenger Rail Investment and
10 Improvement Act of 2008 (Public Law 110–432) is
11 amended—

12 (1) in subsection (b) by striking “The Federal”
13 and inserting “Except as provided in subsection
14 (f)(2), the Federal”;

15 (2) by striking subsections (d) through (f) and
16 inserting the following:

17 “(d) **REQUIRED BOARD APPROVAL.**—No amounts
18 may be provided to the Transit Authority under this sec-
19 tion until the Transit Authority certifies to the Secretary
20 of Transportation that—

21 “(1) a board resolution has passed on or before
22 July 1, 2021, and is in effect for the period of July
23 1, 2022 through June 30, 2031, that—

1 “(A) establishes an independent budget au-
2 thority for the Office of Inspector General of
3 the Transit Authority;

4 “(B) establishes an independent procure-
5 ment authority for the Office of Inspector Gen-
6 eral of the Transit Authority;

7 “(C) establishes an independent hiring au-
8 thority for the Office of Inspector General of
9 the Transit Authority;

10 “(D) ensures the Inspector General of the
11 Transit Authority can obtain legal advice from
12 a counsel reporting directly to the Inspector
13 General;

14 “(E) requires the Inspector General of the
15 Transit Authority to submit recommendations
16 for corrective action to the General Manager
17 and the Board of Directors of the Transit Au-
18 thority;

19 “(F) requires the Inspector General of the
20 Transit Authority to publish any recommenda-
21 tion described in subparagraph (E) on the
22 website of the Office of Inspector General of the
23 Transit Authority, except that the Inspector
24 General may redact personally identifiable in-
25 formation and information that, in the deter-

1 mination of the Inspector General, would pose
2 a security risk to the systems of the Transit
3 Authority;

4 “(G) requires the Board of Directors of
5 the Transit Authority to provide written notice
6 to the Committee on Transportation and Infra-
7 structure of the House of Representatives and
8 the Committee on Banking, Housing, and
9 Urban Affairs of the Senate not less than 30
10 days before the Board of Directors removes the
11 Inspector General of the Transit Authority,
12 which shall include the reasons for removal and
13 supporting documentation; and

14 “(H) prohibits the Board of Directors from
15 removing the Inspector General of the Transit
16 Authority unless the Board of Directors has
17 provided a 30 day written notification as de-
18 scribed in subparagraph (G) that documents—

19 “(i) a permanent incapacity;

20 “(ii) a neglect of duty;

21 “(iii) malfeasance;

22 “(iv) a conviction of a felony or con-
23 duct involving moral turpitude;

24 “(v) a knowing violation of a law or
25 regulation;

- 1 “(vi) gross mismanagement;
- 2 “(vii) a gross waste of funds;
- 3 “(viii) an abuse of authority; or
- 4 “(ix) inefficiency; and

5 “(2) the Code of Ethics for Members of the
6 WMATA Board of Directors passed on September
7 26, 2019, remains in effect, or the Inspector General
8 of the Transit Authority has concurred with any
9 modifications to the Code of Ethics by the Board.

10 “(e) AUTHORIZATIONS.—

11 “(1) IN GENERAL.—There are authorized to be
12 appropriated to the Secretary of Transportation for
13 grants under this section—

- 14 “(A) for fiscal year 2021, \$150,000,000;
- 15 “(B) for fiscal year 2022, \$155,000,000;
- 16 “(C) for fiscal year 2023, \$160,000,000;
- 17 “(D) for fiscal year 2024, \$165,000,000;
- 18 “(E) for fiscal year 2025, \$170,000,000;
- 19 “(F) for fiscal year 2026, \$175,000,000;
- 20 “(G) for fiscal year 2027, \$180,000,000;
- 21 “(H) for fiscal year 2028, \$185,000,000;
- 22 “(I) for fiscal year 2029, \$190,000,000;
- 23 and
- 24 “(J) for fiscal year 2030, \$200,000,000.

1 “(2) SET ASIDE FOR OFFICE OF INSPECTOR
2 GENERAL OF TRANSIT AUTHORITY.—From the
3 amounts in paragraph (1), the Transit Authority
4 shall provide at least 7 percent for each fiscal year
5 to the Office of Inspector General of the Transit Au-
6 thority to carry out independent and objective au-
7 dits, investigations, and reviews of Transit Authority
8 programs and operations to promote economy, effi-
9 ciency, and effectiveness, and to prevent and detect
10 fraud, waste, and abuse in such programs and oper-
11 ations.”; and

12 (3) by redesignating subsection (g) as sub-
13 section (f).

14 **SEC. 2902. OTHER APPORTIONMENTS.**

15 Section 5336 of title 49, United States Code, is
16 amended—

17 (1) in subsection (h)—

18 (A) in the matter preceding paragraph (1)
19 by striking “section 5336(a)(2)(C)” and insert-
20 ing “section 5336(a)(2)(B)”;

21 (B) by amending paragraph (1) to read as
22 follows:

23 “(1) to carry out section 5307(h)—

24 (A) \$60,906,000 shall be set aside in fis-
25 cal year 2022;

1 “(B) \$61,856,134 shall be set aside in fis-
2 cal year 2023;

3 “(C) \$62,845,832 shall be set aside in fis-
4 cal year 2024; and

5 “(D) \$63,832,511 shall be set aside in fis-
6 cal year 2025;”;

7 (C) in paragraph (2) by striking “3.07
8 percent” and inserting “6 percent”; and

9 (D) by amending paragraph (3) to read as
10 follows:

11 “(3) of amounts not apportioned under para-
12 graphs (1) and (2), 3 percent shall be apportioned
13 to urbanized areas with populations of less than
14 200,000 in accordance with subsection (i);”;

15 (2) in subsection (i) by adding at the end the
16 following:

17 “(3) CENSUS PHASE-OUT.—Before apportioning
18 funds under subsection (h)(3), for any urbanized
19 area that is no longer an eligible area due to a
20 change in population in the most recent decennial
21 census, the Secretary shall apportion to such urban-
22 ized area, for 3 fiscal years, an amount equal to half
23 of the funds apportioned to such urbanized area pur-
24 suant to this subsection for the previous fiscal
25 year.”.

1 **Subtitle J—Streamlining**

2 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 3 **GRANTS.**

4 Section 5309 of title 49, United States Code, as
5 amended by section 2703 of this Act, is further amend-
6 ed—

7 (1) in subsection (a)—

8 (A) by striking paragraph (6);

9 (B) by redesignating paragraph (7) as
10 paragraph (6); and

11 (C) in paragraph (6), as so redesignated;

12 (i) in subparagraph (A) by striking
13 “\$100,000,000” and inserting
14 “\$320,000,000”; and

15 (ii) in subparagraph (B) by striking
16 “\$300,000,000” and inserting
17 “\$400,000,000”;

18 (2) in subsection (b)(2) by inserting “expanding
19 station capacity,” after “construction of infill sta-
20 tions,”;

21 (3) in subsection (d)(1)—

22 (A) in subparagraph (C)(i) by striking “2
23 years” and inserting “3 years”; and

24 (B) by adding at the end the following:

1 “(D) OPTIONAL PROJECT DEVELOPMENT
2 ACTIVITIES.—An applicant may perform cost
3 and schedule risk assessments with technical
4 assistance provided by the Secretary.

5 “(E) STATUTORY CONSTRUCTION.—Noth-
6 ing in this section shall be construed as author-
7 izing the Secretary to require cost and schedule
8 risk assessments in the project development
9 phase.”;

10 (4) in subsection (e)(1)—

11 (A) in subparagraph (C)(i) by striking “2
12 years” and inserting “3 years”; and

13 (B) by adding at the end the following:

14 “(D) OPTIONAL PROJECT DEVELOPMENT
15 ACTIVITIES.—An applicant may perform cost
16 and schedule risk assessments with technical
17 assistance provided by the Secretary.

18 “(E) STATUTORY CONSTRUCTION.—Noth-
19 ing in this section shall be construed as author-
20 izing the Secretary to require cost and schedule
21 risk assessments in the project development
22 phase.”;

23 (5) in subsection (e)(2)(A)(iii)(II) by striking
24 “5 years” and inserting “10 years”;

25 (6) in subsection (f)—

1 (A) in paragraph (1) by striking “sub-
2 section (d)(2)(A)(v)” and inserting “subsection
3 (d)(2)(A)(iv)”;

4 (B) in paragraph (2)—

5 (i) by striking “subsection
6 (d)(2)(A)(v)” and inserting “subsection
7 (d)(2)(A)(iv)”;

8 (ii) in subparagraph (D) by adding
9 “and” at the end;

10 (iii) by striking subparagraph (E);

11 and

12 (iv) by redesignating subparagraph
13 (F) as subparagraph (E); and

14 (C) by adding at the end the following:

15 “(3) COST-SHARE INCENTIVES.—For a project
16 for which a lower CIG cost share is elected by the
17 applicant under subsection (l)(1)(C), the Secretary
18 shall apply the following requirements and consider-
19 ations in lieu of paragraphs (1) and (2):

20 “(A) REQUIREMENTS.—In determining
21 whether a project is supported by local financial
22 commitment and shows evidence of stable and
23 dependable financing sources for purposes of
24 subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the
25 Secretary shall require that—

1 “(i) the proposed project plan pro-
2 vides for the availability of contingency
3 amounts that the applicant determines to
4 be reasonable to cover unanticipated cost
5 increases or funding shortfalls;

6 “(ii) each proposed local source of
7 capital and operating financing is stable,
8 reliable, and available within the proposed
9 project timetable; and

10 “(iii) an applicant certifies that local
11 resources are available to recapitalize,
12 maintain, and operate the overall existing
13 and proposed public transportation system,
14 including essential feeder bus and other
15 services necessary to achieve the projected
16 ridership levels without requiring a reduc-
17 tion in existing public transportation serv-
18 ices or level of service to operate the
19 project.

20 “(B) CONSIDERATIONS.—In assessing the
21 stability, reliability, and availability of proposed
22 sources of local financing for purposes of sub-
23 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
24 retary shall consider—

1 “(i) the reliability of the forecasting
2 methods used to estimate costs and reve-
3 nues made by the recipient and the con-
4 tractors to the recipient;

5 “(ii) existing grant commitments;

6 “(iii) any debt obligation that exists,
7 or is proposed by the recipient, for the pro-
8 posed project or other public transpor-
9 tation purpose; and

10 “(iv) private contributions to the
11 project, including cost-effective project de-
12 livery, management or transfer of project
13 risks, expedited project schedule, financial
14 partnering, and other public-private part-
15 nership strategies.

16 (7) in subsection (g)—

17 (A) in paragraph (2)(A) by striking “de-
18 gree of local financial commitment” and insert-
19 ing “criteria in subsection (f)” each place it ap-
20 pears;

21 (B) in paragraph (3) by striking “The Sec-
22 retary shall” and all that follows through the
23 end and inserting the following: “The Secretary
24 shall—

1 “(A) to the maximum extent practicable,
2 develop and use special warrants for making a
3 project justification determination under sub-
4 section (d)(2) or (e)(2), as applicable, for a
5 project proposed to be funded using a grant
6 under this section if—

7 “(i) the share of the cost of the
8 project to be provided under this section—

9 “(I) does not exceed
10 \$500,000,000 and the total project
11 cost does not exceed \$1,000,000,000;
12 or

13 “(II) complies with subsection
14 (l)(1)(C);

15 “(ii) the applicant requests the use of
16 the warrants;

17 “(iii) the applicant certifies that its
18 existing public transportation system is in
19 a state of good repair; and

20 “(iv) the applicant meets any other
21 requirements that the Secretary considers
22 appropriate to carry out this subsection;
23 and”;

24 (C) by striking paragraph (5) and insert-
25 ing the following:

1 “(5) POLICY GUIDANCE.—The Secretary shall
2 issue policy guidance on the review and evaluation
3 process and criteria not later than 180 days after
4 the date of enactment of the INVEST in America
5 Act.”;

6 (D) by striking paragraph (6) and insert-
7 ing the following:

8 “(6) TRANSPARENCY.—Not later than 30 days
9 after the Secretary receives a written request from
10 an applicant for all remaining information necessary
11 to obtain 1 or more of the following, the Secretary
12 shall provide such information to the applicant:

13 “(A) Project advancement.

14 “(B) Medium or higher rating.

15 “(C) Warrant.

16 “(D) Letter of intent.

17 “(E) Early systems work agreement.”; and

18 (E) in paragraph (7) by striking “the Fed-
19 eral Public Transportation Act of 2012” and
20 inserting “the INVEST in America Act”;

21 (8) in subsection (h)—

22 (A) in paragraph (5) by inserting “, except
23 that for a project for which a lower local cost
24 share is elected under subsection (l)(1)(C), the
25 Secretary shall enter into a grant agreement

1 under this subsection for any such project that
2 establishes contingency amounts that the appli-
3 cant determines to be reasonable to cover unan-
4 ticipated cost increases or funding shortfalls”
5 before the period at the end; and

6 (B) in paragraph (7)(C) by striking “10
7 days” and inserting “3 days”;

8 (9) by striking subsection (i) and inserting the
9 following:

10 “(i) INTERRELATED PROJECTS.—

11 “(1) RATINGS IMPROVEMENT.—The Secretary
12 shall grant a rating increase of 1 level in mobility
13 improvements to any project being rated under sub-
14 section (d), (e), or (h), if the Secretary certifies that
15 the project has a qualifying interrelated project that
16 meets the requirements of paragraph (2).

17 “(2) INTERRELATED PROJECT.—A qualifying
18 interrelated project is a transit project that—

19 “(A) is adopted into the metropolitan
20 transportation plan required under section
21 5303;

22 “(B) has received a class of action designa-
23 tion under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.);

1 “(C) will likely increase ridership on the
2 project being rated in subsection (d), (e), or
3 (h), respectively, as determined by the Sec-
4 retary; and

5 “(D) meets 1 of the following criteria:

6 “(i) Extends the corridor of the
7 project being rated in subsection (d), (e),
8 or (h), respectively.

9 “(ii) Provides a direct passenger
10 transfer to the project being rated in sub-
11 section (d), (e), or (h), respectively.”;

12 (10) in subsection (k)—

13 (A) in paragraph (2)(D) by adding at the
14 end the following:

15 “(v) LOCAL FUNDING COMMIT-
16 MENT.— For a project for which a lower
17 CIG cost share is elected by the applicant
18 under subsection (l)(1)(C), the Secretary
19 shall enter into a full funding grant agree-
20 ment that has at least 75 percent of local
21 financial commitment committed and the
22 remaining percentage budgeted for the pro-
23 posed purposes.”; and

24 (B) in paragraph (5) by striking “30
25 days” and inserting “3 days”;

1 (11) in subsection (l)—

2 (A) in paragraph (1) by striking subpara-
3 graph (B) and inserting the following:

4 “(B) CAP.—Except as provided in sub-
5 paragraph (C), a grant for a project under this
6 section shall not exceed 80 percent of the net
7 capital project cost, except that a grant for a
8 core capacity improvement project shall not ex-
9 ceed 80 percent of the net capital project cost
10 of the incremental cost to increase the capacity
11 in the corridor.

12 “(C) APPLICANT ELECTION OF LOWER
13 LOCAL CIG COST SHARE.—An applicant may
14 elect a lower local CIG cost share for a project
15 under this section for purposes of application of
16 the cost-share incentives under subsection
17 (f)(3). Such cost share shall not exceed 60 per-
18 cent of the net capital project cost, except that
19 for a grant for a core capacity improvement
20 project such cost share shall not exceed 60 per-
21 cent of the net capital project cost of the incre-
22 mental cost to increase the capacity in the cor-
23 ridor.”;

24 (B) by striking paragraph (5) and insert-
25 ing the following:

1 “(5) LIMITATION ON STATUTORY CONSTRUC-
2 TION.—Nothing in this section shall be construed as
3 authorizing the Secretary to require, incentivize (in
4 any manner not specified in this section), or place
5 additional conditions upon a non-Federal financial
6 commitment for a project that is more than 20 per-
7 cent of the net capital project cost or, for a core ca-
8 pacity improvement project, 20 percent of the net
9 capital project cost of the incremental cost to in-
10 crease the capacity in the corridor.”; and

11 (C) by striking paragraph (8) and insert-
12 ing the following:

13 “(8) CONTINGENCY SHARE.—The Secretary
14 shall provide funding for the contingency amount
15 equal to the proportion of the CIG cost share. If the
16 Secretary increases the contingency amount after a
17 project has received a letter of no prejudice or been
18 allocated appropriated funds, the federal share of
19 the additional contingency amount shall be 25 per-
20 cent higher than the original proportion the CIG
21 cost share and in addition to the grant amount set
22 in subsection (k)(2)(C)(ii).”;

23 (12) in subsection (o) by adding at the end the
24 following:

1 “(4) CIG PROGRAM DASHBOARD.—Not later
2 than the fifth day of each month, the Secretary shall
3 make publicly available on a website data on, includ-
4 ing the status of, each project under this section
5 that is in the project development phase, in the engi-
6 neering phase, or has received a grant agreement
7 and remains under construction. Such data shall in-
8 clude, for each project—

9 “(A) the amount and fiscal year of any
10 funding appropriated, allocated, or obligated for
11 the project;

12 “(B) the date on which the project—

13 “(i) entered the project development
14 phase;

15 “(ii) entered the engineering phase, if
16 applicable; and

17 “(iii) received a grant agreement, if
18 applicable; and

19 “(C) the status of review by the Federal
20 Transit Administration and the Secretary, in-
21 cluding dates of request, dates of acceptance of
22 request, and dates of a decision for each of the
23 following, if applicable:

24 “(i) A letter of no prejudice.

1 “(ii) An environmental impact state-
2 ment notice of intent.

3 “(iii) A finding of no significant envi-
4 ronmental impact.

5 “(iv) A draft environmental impact
6 statement.

7 “(v) A final environmental impact
8 statement.

9 “(vi) A record of decision on the final
10 environmental impact statement; and

11 “(vii) The status of the applicant in
12 securing the non-Federal match, based on
13 information provided by the applicant, in-
14 cluding the amount committed, budgeted,
15 planned, and undetermined.

16 (13) by striking “an acceptable degree of” and
17 inserting “a” each place it appears; and

18 (14) by adding at the end the following:

19 “(r) PUBLICATION .—

20 “(1) PUBLICATION.—The Secretary shall pub-
21 lish a record of decision on all projects in the New
22 Starts tranche of the program within 2 years of re-
23 ceiving a project’s draft environmental impact state-
24 ment or update or change to such statement.

1 “(2) FAILURE TO ISSUE RECORD OF DECI-
2 SION.—For each calendar month beginning on or
3 after the date that is 12 months after the date of
4 enactment of the INVEST in America Act in which
5 the Secretary has not published a record of decision
6 for the final environmental impact statement on
7 projects in the New Starts tranche for at least 1
8 year, the Secretary shall reduce the full-time equiva-
9 lent employees within the immediate office of the
10 Secretary by 1.”.

11 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**
12 **DEADLINE.**

13 Section 5336(d) of title 49, United States Code, is
14 amended—

15 (1) by redesignating paragraph (2) as para-
16 graph (3); and

17 (2) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2) notwithstanding paragraph (1), apportion
20 amounts to the States appropriated under section
21 5338(a)(2) to carry out sections 5307, 5310, and
22 5311 not later than December 15 for which any
23 amounts are appropriated; and”.

1 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

2 Section 5334 of title 49, United States Code, is fur-
3 ther amended by adding at the end the following:

4 “(1) DISPOSITION OF ASSETS BEYOND USEFUL
5 LIFE.—

6 “(1) IN GENERAL.—If a recipient, or sub-
7 recipient, for assistance under this chapter disposes
8 of an asset with a current market value, or proceed
9 from the sale of such asset, acquired under this
10 chapter at least in part with such assistance, after
11 such asset has reached the useful life of such asset,
12 the Secretary shall allow the recipient, or sub-
13 recipient, to use the proceeds attributable to the
14 Federal share of such asset calculated under para-
15 graph (3) for capital projects under section 5307,
16 5310, or 5311.

17 “(2) MINIMUM VALUE.—This subsection shall
18 only apply to assets with a current market value, or
19 proceeds from sale, of at least \$5,000.

20 “(3) CALCULATION OF FEDERAL SHARE AT-
21 TRIBUTABLE.—The proceeds attributable to the
22 Federal share of an asset described in paragraph (1)
23 shall be calculated by multiplying—

24 “(A) the current market value of, or the
25 proceeds from the disposition of, such asset; by

1 “(B) the Federal share percentage for the
2 acquisition of such asset at the time of acquisi-
3 tion of such asset.”.

4 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
5 **ITY.**

6 Section 5310 of title 49, United States Code, as
7 amended by section 2205, is further amended by adding
8 at the end the following:

9 “(k) INNOVATIVE COORDINATED ACCESS AND MO-
10 BILITY.—

11 “(1) START UP GRANTS.—

12 “(A) IN GENERAL.—The Secretary may
13 make grants under this paragraph to eligible
14 recipients to assist in financing innovative
15 projects for the transportation disadvantaged
16 that improve the coordination of transportation
17 services and non-emergency medical transpor-
18 tation services.

19 “(B) APPLICATION.—An eligible recipient
20 shall submit to the Secretary an application
21 that, at a minimum, contains—

22 “(i) a detailed description of the eligi-
23 ble project;

24 “(ii) an identification of all eligible
25 project partners and the specific role of

1 each eligible project partner in the eligible
2 project, including—

3 “(I) private entities engaged in
4 the coordination of nonemergency
5 medical transportation services for the
6 transportation disadvantaged;

7 “(II) nonprofit entities engaged
8 in the coordination of nonemergency
9 medical transportation services for the
10 transportation disadvantaged; or

11 “(III) Federal entities engaged in
12 the coordination of nonemergency
13 medical transportation services for the
14 transportation disadvantaged; and

15 “(iii) a description of how the eligible
16 project shall—

17 “(I) improve local coordination or
18 access to coordinated transportation
19 services;

20 “(II) reduce duplication of serv-
21 ice, if applicable; and

22 “(III) provide innovative solu-
23 tions in the State or community.

24 “(C) PERFORMANCE MEASURES.—An eligi-
25 ble recipient shall specify, in an application for

1 a grant under this paragraph, the performance
2 measures the eligible project will use to quan-
3 tify actual outcomes against expected outcomes,
4 including—

5 “(i) reduced transportation expendi-
6 tures as a result of improved coordination;
7 and

8 “(ii) reduced healthcare expenditures
9 as a result of improved coordination.

10 “(D) ELIGIBLE USES.—Eligible recipients
11 receiving a grant under this section may use
12 such funds for—

13 “(i) the deployment of coordination
14 technology;

15 “(ii) projects that create or increase
16 access to community One-Call/One-Click
17 Centers;

18 “(iii) projects that integrate transpor-
19 tation for 3 or more of—

20 “(I) public transportation pro-
21 vided under this section;

22 “(II) a State plan approved
23 under title XIX of the Social Security
24 Act (42 U.S.C. 1396 et seq.);

1 “(III) title XVIII of the Social
2 Security Act (42 U.S.C. 1395 et seq.);

3 “(IV) Veterans Health Adminis-
4 tration; or

5 “(V) private health care facilities;
6 and

7 “(iv) such other projects as deter-
8 mined appropriate by the Secretary.

9 “(2) INCENTIVE GRANTS.—

10 “(A) IN GENERAL.—The Secretary may
11 make grants under this paragraph to eligible
12 recipients to incentivize innovative projects for
13 the transportation disadvantaged that improve
14 the coordination of transportation services and
15 non-emergency medical transportation services.

16 “(B) SELECTION OF GRANT RECIPI-
17 ENTS.—The Secretary shall distribute grant
18 funds made available to carry out this para-
19 graph as described in subparagraph (E) to eli-
20 gible recipients that apply and propose to dem-
21 onstrate improvement in the metrics described
22 in subparagraph (F).

23 “(C) ELIGIBILITY.—An eligible recipient
24 shall not be required to have received a grant

1 under paragraph (1) to be eligible to receive a
2 grant under this paragraph.

3 “(D) APPLICATIONS.—Eligible recipients
4 shall submit to the Secretary an application
5 that includes—

6 “(i) which metrics under subpara-
7 graph (F) the eligible recipient intends to
8 improve;

9 “(ii) the performance data eligible re-
10 cipients and the Federal, State, nonprofit,
11 and private partners of the eligible recipi-
12 ent will make available; and

13 “(iii) a proposed incentive formula
14 that makes payments to the eligible recipi-
15 ent based on the proposed data and
16 metrics.

17 “(E) DISTRIBUTION.—The Secretary shall
18 distribute funds made available to carry out
19 this paragraph based upon the number of grant
20 applications approved by the Secretary, number
21 of individuals served by each grant, and the in-
22 centive formulas approved by the Secretary
23 using the following metrics:

1 “(i) The reduced transportation ex-
2 penditures as a result of improved coordi-
3 nation.

4 “(ii) The reduced Federal healthcare
5 expenditures using the metrics described in
6 subparagraph (F).

7 “(iii) The reduced private healthcare
8 expenditures using the metrics described in
9 subparagraph (F).

10 “(F) HEALTHCARE METRICS.—Healthcare
11 metrics described in this subparagraph shall
12 be—

13 “(i) reducing missed medical appoint-
14 ments;

15 “(ii) the timely discharge of patients
16 from hospitals;

17 “(iii) reducing readmissions of pa-
18 tients into hospitals; and

19 “(iv) other measureable healthcare
20 metrics, as determined appropriate by the
21 Secretary.

22 “(G) ELIGIBLE EXPENDITURES.—The Sec-
23 retary shall allow the funds distributed by this
24 grant program to be expended on eligible activi-
25 ties described in paragraph (1)(D) and any eli-

1 gible activity under this section that is likely to
2 improve the metrics described in subparagraph
3 (F).

4 “(H) RECIPIENT CAP.—The Secretary—

5 “(i) may not provide more than 20
6 grants under this paragraph; and

7 “(ii) shall reduce the maximum num-
8 ber of grants under this paragraph to en-
9 sure projects are fully funded, if necessary.

10 “(3) REPORT.—The Secretary shall make pub-
11 licly available an annual report on the program car-
12 ried out under this subsection for each fiscal year,
13 not later than December 31 of the calendar year in
14 which that fiscal year ends. The report shall include
15 a detailed description of the activities carried out
16 under the program, and an evaluation of the pro-
17 gram, including an evaluation of the performance
18 measures used by eligible recipients.

19 “(4) FEDERAL SHARE.—

20 “(A) IN GENERAL.—The Federal share of
21 the costs of a project carried out under this
22 subsection shall not exceed 80 percent.

23 “(B) NON-FEDERAL SHARE.—The non-
24 Federal share of the costs of a project carried

1 out under this subsection may be derived from
2 in-kind contributions.

3 “(5) RULE OF CONSTRUCTION.—For purposes
4 of this subsection, nonemergency medical transpor-
5 tation services shall be limited to services eligible
6 under Federal programs other than programs au-
7 thORIZED under this chapter.”.

8 **SEC. 2915. PASSENGER FERRY GRANTS.**

9 Section 5307(h) of title 49, United States Code, is
10 amended by adding at the end the following paragraph:

11 “(4) ZERO-EMISSION OR REDUCED-EMISSION
12 GRANTS.—

13 “(A) DEFINITIONS.—In this paragraph—

14 “(i) the term ‘eligible project’ means a
15 project or program of projects in an area
16 eligible for a grant under subsection (a)
17 for—

18 “(I) acquiring zero- or reduced-
19 emission passenger ferries;

20 “(II) leasing zero- or reduced-
21 emission passenger ferries;

22 “(III) constructing facilities and
23 related equipment for zero- or re-
24 duced-emission passenger ferries;

1 “(IV) leasing facilities and re-
2 lated equipment for zero- or reduced-
3 emission passenger ferries;

4 “(V) constructing new public
5 transportation facilities to accommo-
6 date zero- or reduced-emission pas-
7 senger ferries;

8 “(VI) constructing shoreside
9 ferry charging infrastructure for zero-
10 or reduced-emission passenger ferries;
11 or

12 “(VII) rehabilitating or improv-
13 ing existing public transportation fa-
14 cilities to accommodate zero- or re-
15 duced-emission passenger ferries;

16 “(ii) the term ‘zero- or reduced-emis-
17 sion passenger ferry’ means a passenger
18 ferry used to provide public transportation
19 that reduces emissions by utilizing onboard
20 energy storage systems for hybrid-electric
21 or 100 percent electric propulsion, related
22 charging infrastructure, and other tech-
23 nologies deployed to reduce emissions or
24 produce zero onboard emissions under nor-
25 mal operation; and

1 “(iii) the term ‘recipient’ means a des-
2 ignated recipient, a local government au-
3 thority, or a State that receives a grant
4 under subsection (a).

5 “(B) GENERAL AUTHORITY.—The Sec-
6 retary may make grants to recipients to finance
7 eligible projects under this paragraph.

8 “(C) GRANT REQUIREMENTS.—A grant
9 under this paragraph shall be subject to the
10 same terms and conditions as a grant under
11 subsection (a).

12 “(D) COMPETITIVE PROCESS.—The Sec-
13 retary shall solicit grant applications and make
14 grants for eligible projects under this paragraph
15 on a competitive basis.

16 “(E) GOVERNMENT SHARE OF COSTS.—

17 “(i) IN GENERAL.—The Federal share
18 of the cost of an eligible project carried out
19 under this paragraph shall not exceed 80
20 percent.

21 “(ii) NON-FEDERAL SHARE.—The
22 non-Federal share of the cost of an eligible
23 project carried out under this subsection
24 may be derived from in-kind contribu-
25 tions.”.

1 **SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL IN-**
2 **VESTMENT.**

3 Section 5309(h)(4) of title 49, United States Code,
4 is amended by inserting “, the extent to which the project
5 improves transportation options to economically distressed
6 areas,” after “public transportation”.

7 **TITLE III—HIGHWAY TRAFFIC**
8 **SAFETY**

9 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—The following sums are author-
11 ized to be appropriated out of the Highway Trust Fund
12 (other than the Mass Transit Account):

13 (1) HIGHWAY SAFETY PROGRAMS.—For car-
14 rying out section 402 of title 23, United States
15 Code—

16 (A) \$378,400,000 for fiscal year 2022;

17 (B) \$382,400,000 for fiscal year 2023;

18 (C) \$386,500,000 for fiscal year 2024; and

19 (D) \$390,400,000 for fiscal year 2025.

20 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
21 OPMENT.—For carrying out section 403 of title 23,
22 United States Code—

23 (A) \$182,495,000 for fiscal year 2022;

24 (B) \$184,795,000 for fiscal year 2023;

25 (C) \$187,795,000 for fiscal year 2024; and

26 (D) \$190,695,000 for fiscal year 2025.

1 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
2 For carrying out section 405 of title 23, United
3 States Code—

- 4 (A) \$384,119,000 for fiscal year 2022;
5 (B) \$393,205,000 for fiscal year 2023;
6 (C) \$402,205,000 for fiscal year 2024; and
7 (D) \$411,388,000 for fiscal year 2025.

8 (4) NATIONAL DRIVER REGISTER.—For the Na-
9 tional Highway Traffic Safety Administration to
10 carry out chapter 303 of title 49, United States
11 Code—

- 12 (A) \$5,700,000 for fiscal year 2022;
13 (B) \$5,800,000 for fiscal year 2023;
14 (C) \$5,900,000 for fiscal year 2024; and
15 (D) \$6,000,000 for fiscal year 2025.

16 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
17 GRAM.—For carrying out section 404 of title 23,
18 United States Code—

- 19 (A) \$60,200,000 for fiscal year 2022;
20 (B) \$60,600,000 for fiscal year 2023;
21 (C) \$60,800,000 for fiscal year 2024; and
22 (D) \$61,200,000 for fiscal year 2025.

23 (6) ADMINISTRATIVE EXPENSES.—For adminis-
24 trative and related operating expenses of the Na-
25 tional Highway Traffic Safety Administration in car-

1 rying out chapter 4 of title 23, United States
2 Code—

3 (A) \$30,586,000 for fiscal year 2022;

4 (B) \$31,000,000 for fiscal year 2023;

5 (C) \$31,500,000 for fiscal year 2024; and

6 (D) \$31,917,000 for fiscal year 2025.

7 (b) PROHIBITION ON OTHER USES.—Except as oth-
8 erwise provided in chapter 4 of title 23, United States
9 Code, and chapter 303 of title 49, United States Code,
10 the amounts made available from the Highway Trust
11 Fund (other than the Mass Transit Account) for a pro-
12 gram under such chapters—

13 (1) shall only be used to carry out such pro-
14 gram; and

15 (2) may not be used by States or local govern-
16 ments for construction purposes.

17 (c) APPLICABILITY OF TITLE 23.—Except as other-
18 wise provided in chapter 4 of title 23, United States Code,
19 and chapter 303 of title 49, United States Code, amounts
20 made available under subsection (a) for fiscal years 2022
21 through 2025 shall be available for obligation in the same
22 manner as if such funds were apportioned under chapter
23 1 of title 23, United States Code.

24 (d) REGULATORY AUTHORITY.—Grants awarded
25 under chapter 4 of title 23, United States Code, including

1 any amendments made by this title, shall be carried out
2 in accordance with regulations issued by the Secretary of
3 Transportation.

4 (e) STATE MATCHING REQUIREMENTS.—If a grant
5 awarded under chapter 4 of title 23, United States Code,
6 requires a State to share in the cost, the aggregate of all
7 expenditures for highway safety activities made during a
8 fiscal year by the State and its political subdivisions (ex-
9 clusive of Federal funds) for carrying out the grant (other
10 than planning and administration) shall be available for
11 the purpose of crediting the State during such fiscal year
12 for the non-Federal share of the cost of any other project
13 carried out under chapter 4 of title 23, United States Code
14 (other than planning or administration), without regard
15 to whether such expenditures were made in connection
16 with such project.

17 (f) GRANT APPLICATION AND DEADLINE.—To re-
18 ceive a grant under chapter 4 of title 23, United States
19 Code, a State shall submit an application, and the Sec-
20 retary of Transportation shall establish a single deadline
21 for such applications to enable the award of grants early
22 in the next fiscal year.

23 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

24 Section 402 of title 23, United States Code, is
25 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2)(A)—

3 (i) in clause (ii) by striking “occupant
4 protection devices (including the use of
5 safety belts and child restraint systems)”
6 and inserting “seatbelts”;

7 (ii) in clause (vii) by striking “; and”
8 and inserting a semicolon; and

9 (iii) by inserting after clause (viii) the
10 following:

11 “(ix) to encourage more widespread
12 and proper use of child safety seats (in-
13 cluding booster seats) with an emphasis on
14 underserved populations;

15 “(x) to reduce injuries and deaths re-
16 sulting from drivers of motor vehicles not
17 moving to another traffic lane or reducing
18 the speed of such driver’s vehicle when law
19 enforcement, fire service, emergency med-
20 ical services, and other emergency vehicles
21 are stopped or parked on or next to a
22 roadway with emergency lights activated;
23 and

1 “(xi) to increase driver awareness of
2 the dangers of pediatric vehicular
3 hyperthermia;” and

4 (B) by adding at the end the following:

5 “(3) ADDITIONAL CONSIDERATIONS.—States
6 which have legalized medicinal or recreational mari-
7 juana shall consider programs in addition to the pro-
8 grams described in paragraph (2)(A) to educate
9 drivers on the risks associated with marijuana-im-
10 paired driving and to reduce injuries and deaths re-
11 sulting from individuals driving motor vehicles while
12 impaired by marijuana.”;

13 (2) in subsection (c)(4)—

14 (A) by striking subparagraph (C);

15 (B) by redesignating subparagraph (B) as
16 subparagraph (D); and

17 (C) by inserting after subparagraph (A)
18 the following:

19 “(B) SPECIAL RULE FOR SCHOOL AND
20 WORK ZONES.—Notwithstanding subparagraph
21 (A), a State may expend funds apportioned to
22 that State under this section to carry out a pro-
23 gram to purchase, operate, or maintain an
24 automated traffic system in a work zone or
25 school zone.

1 “(C) AUTOMATED TRAFFIC ENFORCEMENT
2 SYSTEM GUIDELINES.—Any automated traffic
3 enforcement system installed pursuant to sub-
4 paragraph (B) shall comply with speed enforce-
5 ment camera systems and red light camera sys-
6 tems guidelines established by the Secretary.”;
7 and

8 (3) in subsection (n)—

9 (A) by striking “PUBLIC TRANSPARENCY”
10 and all that follows through “The Secretary”
11 and inserting the following: “PUBLIC TRANS-
12 PARENCY.—

13 “(1) IN GENERAL.—The Secretary”; and

14 (B) by adding at the end the following:

15 “(2) STATE HIGHWAY SAFETY PLAN
16 WEBSITE.—

17 “(A) IN GENERAL.—In carrying out the
18 requirements of paragraph (1), the Secretary
19 shall establish a public website that is easily ac-
20 cessible, navigable, and searchable for the infor-
21 mation required under paragraph (1), in order
22 to foster greater transparency in approved
23 State highway safety programs.

24 “(B) CONTENTS.—The website established
25 under subparagraph (A) shall—

1 “(i) include each State highway safety
2 plan and annual report submitted and ap-
3 proved by the Secretary under subsection
4 (k);

5 “(ii) provide a means for the public to
6 search such website for State highway
7 safety program content required in sub-
8 section (k), including—

9 “(I) performance measures re-
10 quired by the Secretary under para-
11 graph (3)(A);

12 “(II) progress made toward
13 meeting the State’s performance tar-
14 gets for the previous year;

15 “(III) program areas and ex-
16 penditures; and

17 “(IV) a description of any
18 sources of funds other than funds pro-
19 vided under this section that the State
20 proposes to use to carry out the State
21 highway safety plan of such State.”.

22 **SEC. 3003. TRAFFIC SAFETY ENFORCEMENT GRANTS.**

23 Section 402 of title 23, United States Code, as
24 amended by section 3002 of this Act, is further amended
25 by inserting after subsection (k) the following:

1 “(1) TRAFFIC SAFETY ENFORCEMENT GRANTS.—

2 “(1) GENERAL AUTHORITY.—Subject to the re-
3 quirements under this subsection, the Secretary shall
4 award grants to States for the purpose of carrying
5 out top-rated traffic safety enforcement counter-
6 measures to reduce traffic-related injuries and fatali-
7 ties.

8 “(2) EFFECTIVE COUNTERMEASURE DE-
9 FINED.—In this subsection, the term ‘effective coun-
10 termeasure’ means a countermeasure rated 3, 4, or
11 5 stars in the most recent edition of the National
12 Highway Traffic Safety Administration’s Counter-
13 measures That Work highway safety guide.

14 “(3) FUNDING.—Notwithstanding the appor-
15 tionment formula set forth in section 402(c)(2), the
16 Secretary shall set aside \$35,000,000 of the funds
17 made available under this section for each fiscal year
18 to be allocated among up to 10 States.

19 “(4) SELECTION CRITERIA.—The Secretary
20 shall select up to 10 applicants based on the fol-
21 lowing criteria:

22 “(A) A preference for applicants who are
23 geographically diverse.

1 “(B) A preference for applicants with a
2 higher average number of traffic fatalities per
3 vehicle mile traveled.

4 “(C) A preference for applicants whose ac-
5 tivities under subparagraphs (A) and (B) of
6 paragraph (6) are expected to have the greatest
7 impact on reducing traffic-related fatalities and
8 injuries, as determined by the Secretary.

9 “(5) ELIGIBILITY.—A State may receive a
10 grant under this subsection in a fiscal year if the
11 State demonstrates, to the satisfaction of the Sec-
12 retary, that the State is able to meet the require-
13 ments in paragraph (6).

14 “(6) REQUIREMENTS.—In order to receive
15 funds, a State must establish an agreement with the
16 Secretary to—

17 “(A) identify areas with the highest risk of
18 traffic fatalities and injuries;

19 “(B) determine the most effective counter-
20 measures to implement in those areas, with pri-
21 ority given to countermeasures rated above 3
22 stars; and

23 “(C) report annual data under uniform re-
24 porting requirements established by the Sec-
25 retary, including—

1 “(i) traffic citations, arrests, and
2 other interventions made by law enforce-
3 ment, including such interventions that did
4 not result in arrest or citation;

5 “(ii) the increase in traffic safety en-
6 forcement activity supported by these
7 funds; and

8 “(iii) any other metrics the Secretary
9 determines appropriate to determine the
10 success of the grant.

11 “(7) USE OF FUNDS.—

12 “(A) IN GENERAL.—Grant funds received
13 by a State under this subsection may be used
14 for—

15 “(i) implementing effective counter-
16 measures determined under paragraph (6);
17 and

18 “(ii) law enforcement-related ex-
19 penses, such as officer training, overtime,
20 technology, and equipment, if the Sec-
21 retary determines effective counter-
22 measures have been implemented success-
23 fully and the Secretary provides approval.

24 “(B) BROADCAST AND PRINT MEDIA.—Up
25 to 5 percent of grant funds received by a State

1 under this subsection may be used for the de-
2 velopment, production, and use of broadcast
3 and print media advertising in carrying out
4 traffic safety law enforcement efforts under this
5 subsection.

6 “(8) ALLOCATION.—Grant funds allocated to a
7 State under this subsection for a fiscal year shall be
8 in proportion to the State’s apportionment under
9 subsection (c)(2) for the fiscal year.

10 “(9) MAINTENANCE OF EFFORT.—No grant
11 may be made to a State in any fiscal year under this
12 subsection unless the State enters into such an
13 agreement with the Secretary, as the Secretary may
14 require, to ensure that the State will maintain its
15 aggregate expenditures from all State and local
16 sources for activities carried out in accordance with
17 this subsection at or above the average level of ex-
18 penditures in the 2 fiscal years preceding the date
19 of enactment of this subsection.

20 “(10) ANNUAL EVALUATION AND REPORT TO
21 CONGRESS.—The Secretary shall conduct an annual
22 evaluation of the effectiveness of grants awarded
23 under this subsection and shall submit to the Com-
24 mittee on Transportation and Infrastructure of the
25 House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Sen-
2 ate an annual report on the effectiveness of the
3 grants.”.

4 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
5 **MENT.**

6 Section 403 of title 23, United States Code, is
7 amended—

8 (1) in subsection (b) by inserting “, training,”
9 after “demonstration projects”;

10 (2) in subsection (f)(1)—

11 (A) by striking “\$2,500,000” and inserting
12 “\$3,500,000”; and

13 (B) by striking “subsection 402(c) in each
14 fiscal year ending before October 1, 2015, and
15 \$443,989 of the total amount available for ap-
16 portionment to the States for highway safety
17 programs under section 402(c) in the period be-
18 ginning on October 1, 2015, and ending on De-
19 cember 4, 2015,” and inserting “section
20 402(c)(2) in each fiscal year”; and

21 (3) by striking subsection (h) and redesignating
22 subsections (i) and (j) as subsections (h) and (i), re-
23 spectively.

1 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
2 **PROFILING.**

3 Section 403 of title 23, United States Code, as
4 amended by section 3004 of this Act, is further amended
5 by adding at the end the following:

6 “(j) GRANT PROGRAM TO PROHIBIT RACIAL
7 PROFILING.—

8 “(1) GENERAL AUTHORITY.—Subject to the re-
9 quirements of this subsection, the Secretary shall
10 make grants to a State that—

11 “(A) is maintaining and allows public in-
12 spection of statistical information for each
13 motor vehicle stop made by a law enforcement
14 officer on a Federal-aid highway in the State
15 regarding the race and ethnicity of the driver;
16 or

17 “(B) provides assurances satisfactory to
18 the Secretary that the State is undertaking ac-
19 tivities to comply with the requirements of sub-
20 paragraph (A).

21 “(2) USE OF GRANT FUNDS.—A grant received
22 by a State under paragraph (1) shall be used by the
23 State for the costs of—

24 “(A) collecting and maintaining data on
25 traffic stops; and

26 “(B) evaluating the results of such data.

1 “(3) LIMITATIONS.—

2 “(A) MAXIMUM AMOUNT OF GRANTS.—

3 The total amount of grants made to a State
4 under this section in a fiscal year may not ex-
5 ceed 5 percent of the amount made available to
6 carry out this section in the fiscal year.

7 “(B) ELIGIBILITY.—On or after October
8 1, 2022, a State may not receive a grant under
9 paragraph (1)(B) in more than 2 fiscal years.

10 “(4) FUNDING.—

11 “(A) IN GENERAL.—From funds made
12 available under this section, the Secretary shall
13 set aside \$7,500,000 for each fiscal year to
14 carry out this subsection.

15 “(B) OTHER USES.—The Secretary may
16 reallocate, before the last day of any fiscal year,
17 amounts remaining available under subpara-
18 graph (A) to increase the amounts made avail-
19 able to carry out any other activities authorized
20 under this section in order to ensure, to the
21 maximum extent possible, that all such amounts
22 are obligated during such fiscal year.”.

23 **SEC. 3006. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

24 Section 404 of title 23, United States Code, is
25 amended—

1 (1) in subsection (a) by striking “3 campaigns
2 will be carried out in each of fiscal years 2016
3 through 2020” and inserting “6 campaigns will be
4 carried out in each of fiscal years 2022 through
5 2025”;

6 (2) in subsection (b)—

7 (A) in paragraph (1) by striking “or drug-
8 impaired”;

9 (B) in paragraph (2) by striking “Increase
10 use of seatbelts” and inserting “Increase proper
11 use of seatbelts and child restraints”;

12 (C) by redesignating paragraph (2) as
13 paragraph (3);

14 (D) by inserting after paragraph (1) the
15 following:

16 “(2) Reduce drug-impaired operation of motor
17 vehicles.”; and

18 (E) by adding at the end the following:

19 “(4) Reduce texting through a personal wireless
20 communications device by drivers while operating a
21 motor vehicle.

22 “(5) Reduce violations of move over laws of a
23 State that require motorists to change lanes or slow
24 down when law enforcement, fire service, emergency
25 medical services and other emergency vehicles are

1 stopped or parked on or next to a roadway with
2 emergency lights activated.”;

3 (3) by redesignating subsections (e) and (f) as
4 subsections (g) and (h), respectively;

5 (4) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) FREQUENCY.—Each campaign administered
8 under this section shall occur not less than once in each
9 of fiscal years 2022 through 2025 with the exception of
10 campaigns to reduce alcohol-impaired operation of motor
11 vehicles which shall occur not less than twice in each of
12 fiscal years 2022 through 2025.

13 “(f) COORDINATION OF DYNAMIC HIGHWAY MES-
14 SAGE SIGNS.—During the time a State is carrying out a
15 campaign, the Secretary shall coordinate with States car-
16 rying out the campaigns under this section on the use of
17 dynamic highway message signs to support national high-
18 visibility advertising and education efforts associated with
19 the campaigns.”; and

20 (5) in subsection (g), as so redesignated—

21 (A) by redesignating paragraph (2) as
22 paragraph (3);

23 (B) by inserting after paragraph (1) the
24 following:

1 “(2) DYNAMIC HIGHWAY MESSAGE SIGN.—The
2 term ‘dynamic highway message sign’ means a traf-
3 fic control device that is capable of displaying one or
4 more alternative messages which convey information
5 to occupants of motor vehicles.”; and

6 (C) by adding at the end the following:

7 “(4) TEXTING.—The term ‘texting’ has the
8 meaning given such term in section 405(e).”.

9 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

10 (a) IN GENERAL.—Section 405 of title 23, United
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1) by striking “13 per-
14 cent” and inserting “12.85 percent”;

15 (B) in paragraph (2) by striking “14.5
16 percent” and inserting “14.3 percent”;

17 (C) in paragraph (3) by striking “52.5
18 percent” and inserting “51.75 percent”;

19 (D) in paragraph (4) by striking “8.5 per-
20 cent” and inserting “8.3 percent”;

21 (E) in paragraph (6) by striking “5 per-
22 cent” and inserting “4.9 percent”;

23 (F) in paragraph (7) by striking “5 per-
24 cent” and inserting “4.9 percent”;

25 (G) in paragraph (8)—

1 (i) by striking “paragraphs (1)
2 through (7)” and inserting “paragraphs
3 (1) through (8)”;

4 (ii) by striking “subsection (b)
5 through (h)” and inserting “subsections
6 (b) through (i)”;

7 (iii) by inserting “to carry out any of
8 the other activities described in such sub-
9 sections, or the amount made available”
10 before “under section 402(c)(2)”;

11 (H) in paragraph (9)(A) by striking “date
12 of enactment of the FAST Act” and inserting
13 “date of enactment of the INVEST in America
14 Act”;

15 (I) by redesignating paragraphs (8) and
16 (9) as paragraphs (9) and (10), respectively;
17 and

18 (J) by inserting after paragraph (7) the
19 following:

20 “(8) DRIVER AND OFFICER SAFETY EDU-
21 CATION.—In each fiscal year, 1.5 percent of the
22 funds provided under this section shall be allocated
23 among States that meet the requirements with re-
24 spect to driver and officer safety education (as de-
25 scribed in subsection (i)).”;

1 (2) in subsection (c)(3)(E) by striking “5” and
2 inserting “10”;

3 (3) in subsection (b)(4)—

4 (A) in subparagraph (A) by striking clause
5 (v) and inserting the following:

6 “(v) implement programs in low-in-
7 come and underserved populations to—

8 “(I) recruit and train occupant
9 protection safety professionals, nation-
10 ally certified child passenger safety
11 technicians, police officers, fire and
12 emergency medical personnel, and
13 educators serving low-income and un-
14 derserved populations;

15 “(II) educate parents and care-
16 givers in low-income and underserved
17 populations about the proper use and
18 installation of child safety seats; and

19 “(III) purchase and distribute
20 child safety seats to low-income and
21 underserved populations; and”;

22 (B) in subparagraph (B)—

23 (i) by striking “100 percent” and in-
24 serting “90 percent”; and

1 (ii) by adding at the end the fol-
2 lowing: “The remaining 10 percent of such
3 funds shall be used to carry out subsection
4 (A)(v).”;

5 (4) by striking subsection (c)(4) and inserting
6 the following:

7 “(4) USE OF GRANT AMOUNTS.—Grant funds
8 received by a State under this subsection shall be
9 used for—

10 “(A) making data program improvements
11 to core highway safety databases related to
12 quantifiable, measurable progress in any of the
13 6 significant data program attributes set forth
14 in paragraph (3)(D);

15 “(B) developing or acquiring programs to
16 identify, collect, and report data to State and
17 local government agencies, and enter data, in-
18 cluding crash, citation and adjudication, driver,
19 emergency medical services or injury surveil-
20 lance system, roadway, and vehicle, into the
21 core highway safety databases of a State;

22 “(C) purchasing equipment to improve
23 processes by which data is identified, collected,
24 and reported to State and local government
25 agencies;

1 “(D) linking core highway safety databases
2 of a State with such databases of other States
3 or with other data systems within the State, in-
4 cluding systems that contain medical, roadway,
5 and economic data;

6 “(E) improving the compatibility and
7 interoperability of the core highway safety data-
8 bases of the State with national data systems
9 and data systems of other States;

10 “(F) enhancing the ability of a State and
11 the Secretary to observe and analyze local,
12 State, and national trends in crash occurrences,
13 rates, outcomes, and circumstances;

14 “(G) supporting traffic records-related
15 training and related expenditures for law en-
16 forcement, emergency medical, judicial, prosecu-
17 torial, and traffic records professionals;

18 “(H) hiring traffic records professionals,
19 including a Fatality Analysis Reporting System
20 liaison for a State; and

21 “(I) conducting research on State traffic
22 safety information systems, including devel-
23 oping and evaluating programs to improve core
24 highway safety databases of such State and
25 processes by which data is identified, collected,

1 reported to State and local government agen-
2 cies, and entered into such core safety data-
3 bases.”;

4 (5) by striking subsection (d)(6)(A) and insert-
5 ing the following:

6 “(A) GRANTS TO STATES WITH ALCOHOL-
7 IGNITION INTERLOCK LAWS.—The Secretary
8 shall make a separate grant under this sub-
9 section to each State that—

10 “(i) adopts and is enforcing a manda-
11 tory alcohol-ignition interlock law for all
12 individuals arrested or convicted of driving
13 under the influence of alcohol or of driving
14 while intoxicated;

15 “(ii) does not allow any individual ar-
16 rested or convicted of driving under the in-
17 fluence of alcohol or driving while intoxi-
18 cated to drive a motor vehicle unless such
19 individual installs an ignition interlock for
20 a minimum 6-month interlock period; or

21 “(iii) has—

22 “(I) enacted and is enforcing a
23 state law requiring all individuals con-
24 victed of, or whose driving privilege is
25 revoked or denied for, refusing to sub-

1 mit to a chemical or other test for the
2 purpose of determining the presence
3 or concentration of any intoxicating
4 substance to install an ignition inter-
5 lock for a minimum 6-month interlock
6 period; and

7 “(II) a compliance-based removal
8 program in which an individual ar-
9 rested or convicted of driving under
10 the influence of alcohol or driving
11 while intoxicated shall install an igni-
12 tion interlock for a minimum 6-month
13 interlock period and have completed a
14 minimum consecutive period of not
15 less than 40 percent of the required
16 interlock period immediately preceding
17 the date of release, without a con-
18 firmed violation of driving under the
19 influence of alcohol or driving while
20 intoxicated.”;

21 (6) in subsection (e)—

22 (A) in paragraph (1) by striking “para-
23 graphs (2) and (3)” and inserting “paragraph
24 (2)”;

25 (B) in paragraph (4)—

1 (i) by striking “paragraph (2) or (3)”
2 and inserting “paragraph (3) or (4)”;

3 (ii) in subparagraph (A) by striking
4 “communications device to contact emer-
5 gency services” and inserting “communica-
6 tions device during an emergency to con-
7 tact emergency services or to prevent in-
8 jury to persons or property”;

9 (iii) in subparagraph (C) by striking
10 “; and” and inserting a semicolon;

11 (iv) by redesignating subparagraph
12 (D) as subparagraph (E); and

13 (v) by inserting after subparagraph
14 (C) the following:

15 “(D) a driver who uses a personal wireless
16 communication device for navigation; and”;

17 (C) in paragraph (5)(A)(i) by striking
18 “texting or using a cell phone while” and in-
19 serting “distracted”;

20 (D) in paragraph (7) by striking “Of the
21 amounts” and inserting “In addition to the
22 amounts authorized under section 404 and of
23 the amounts”;

24 (E) in paragraph (9)—

1 (i) by striking subparagraph (B) and
2 inserting the following:

3 “(B) PERSONAL WIRELESS COMMUNICA-
4 TIONS DEVICE.—The term ‘personal wireless
5 communications device’ means—

6 “(i) until the date on which the Sec-
7 retary issues a regulation pursuant to
8 paragraph (8)(A), a device through which
9 personal services (as such term is defined
10 in section 332(e)(7)(C)(i) of the Commu-
11 nications Act of 1934 (47 U.S.C.
12 332(e)(7)(C)(i)) are transmitted, but not
13 including the use of such a device as a
14 global navigation system receiver used for
15 positioning, emergency notification, or
16 navigation purposes; and

17 “(ii) on and after the date on which
18 the Secretary issues a regulation pursuant
19 to paragraph (8)(A), the definition de-
20 scribed in such regulation.”; and

21 (ii) by striking subparagraph (E) and
22 inserting the following:

23 “(E) TEXTING.—The term ‘texting’
24 means—

1 “(i) until the date on which the Sec-
2 retary issues a regulation pursuant to
3 paragraph (8)(A), reading from or manu-
4 ally entering data into a personal wireless
5 communications device, including doing so
6 for the purpose of SMS texting, emailing,
7 instant messaging, or engaging in any
8 other form of electronic data retrieval or
9 electronic data communication; and

10 “(ii) on and after the date on which
11 the Secretary issues a regulation pursuant
12 to paragraph (8)(A), the definition de-
13 scribed in such regulation.”;

14 (F) by striking paragraphs (2), (3), (6),
15 and (8);

16 (G) by redesignating paragraphs (4) and
17 (5) as paragraphs (5) and (6), respectively;

18 (H) by inserting after paragraph (1) the
19 following:

20 “(2) ALLOCATION.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graphs (B) and (C), the allocation of grant
23 funds to a State under this subsection for a fis-
24 cal year shall be in proportion to the State’s ap-

1 portionment under section 402 for fiscal year
2 2009.

3 “(B) PRIMARY OFFENSE LAWS.—A State
4 that has enacted and is enforcing a law that
5 meets the requirements set forth in paragraphs
6 (3) and (4) as a primary offense shall be allo-
7 cated 100 percent of the amount calculated
8 under subparagraph (A).

9 “(C) SECONDARY OFFENSE LAWS.—A
10 State that has enacted and is enforcing a law
11 that meets the requirements set forth in para-
12 graphs (3) and (4) as a secondary offense shall
13 be allocated 50 percent of the amount cal-
14 culated under subparagraph (A).

15 “(3) PROHIBITION ON HANDHELD PERSONAL
16 WIRELESS COMMUNICATION DEVICE USE WHILE
17 DRIVING.—A State law meets the requirements set
18 forth in this paragraph if the law—

19 “(A) prohibits a driver from holding or
20 using, including texting, a personal wireless
21 communications device while driving, except for
22 the use of a personal wireless communications
23 device—

24 “(i) in a hands-free manner or with a
25 hands-free accessory, or

1 “(ii) to activate or deactivate a fea-
2 ture or function of the personal wireless
3 communications device;

4 “(B) establishes a fine for a violation of
5 the law; and

6 “(C) does not provide for an exemption
7 that specifically allows a driver to hold or use
8 a personal wireless communication device while
9 stopped in traffic.

10 “(4) PROHIBITION ON PERSONAL WIRELESS
11 COMMUNICATION DEVICE USE WHILE DRIVING OR
12 STOPPED IN TRAFFIC.—A State law meets the re-
13 quirements set forth in this paragraph if the law—

14 “(A) prohibits a driver from holding or
15 using a personal wireless communications device
16 while driving if the driver is—

17 “(i) younger than 18 years of age; or

18 “(ii) in the learner’s permit or inter-
19 mediate license stage described in subpara-
20 graph (A) or (B) of subsection (g)(2);

21 “(B) establishes a fine for a violation of
22 the law; and

23 “(C) does not provide for an exemption
24 that specifically allows a driver to use a per-

1 sonal wireless communication device while
2 stopped in traffic.”; and

3 (I) by inserting after paragraph (7) the
4 following:

5 “(8) RULEMAKING.—Not later than 1 year
6 after the date of enactment of this paragraph, the
7 Secretary shall issue such regulations as are nec-
8 essary to account for diverse State approaches to
9 combating distracted driving that—

10 “(A) defines the terms personal wireless
11 communications device and texting for the pur-
12 poses of this subsection; and

13 “(B) determines additional permitted ex-
14 ceptions that are appropriate for a State law
15 that meets the requirements under paragraph
16 (3) or (4).”;
17 (7) in subsection (g)—

18 (A) in paragraph (1) by inserting “sub-
19 paragraphs (A) and (B) of” before “paragraph
20 (2)”;

21 (B) by striking paragraph (2) and insert-
22 ing the following:

23 “(2) MINIMUM REQUIREMENTS.—

24 “(A) TIER 1 STATE.—A State shall be eli-
25 gible for a grant under this subsection as a Tier

1 State if such State requires novice drivers
2 younger than 18 years of age to comply with a
3 2-stage graduated driver licensing process be-
4 fore receiving an unrestricted driver's license
5 that includes—

6 “(i) a learner's permit stage that—

7 “(I) is at least 180 days in dura-
8 tion;

9 “(II) requires that the driver be
10 accompanied and supervised at all
11 times; and

12 “(III) has a requirement that the
13 driver obtain at least 40 hours of be-
14 hind-the-wheel training with a super-
15 visor; and

16 “(ii) an intermediate stage that—

17 “(I) commences immediately
18 after the expiration of the learner's
19 permit stage;

20 “(II) is at least 180 days in du-
21 ration; and

22 “(III) for the first 180 days of
23 the intermediate stage, restricts the
24 driver from—

1 “(aa) driving at night be-
2 tween the hours of 11:00 p.m.
3 and at least 4:00 a.m. except—

4 “(AA) when a parent,
5 guardian, driving instructor,
6 or licensed driver who is at
7 least 21 years of age is in
8 the motor vehicle; and

9 “(BB) when driving to
10 and from work, school and
11 school-related activities, reli-
12 gious activities, for emer-
13 gencies, or as a member of
14 voluntary emergency service;
15 and

16 “(bb) operating a motor ve-
17 hicle with more than 1 non-
18 familial passenger younger than
19 18 years of age, except when a
20 parent, guardian, driving instruc-
21 tor, or licensed driver who is at
22 least 21 years of age is in the
23 motor vehicle.

24 “(B) TIER 2 STATE.—A State shall be eli-
25 gible for a grant under this subsection as a Tier

1 2 State if such State requires novice drivers
2 younger than 18 years of age to comply with a
3 2-stage graduated driver licensing process be-
4 fore receiving an unrestricted driver's license
5 that includes—

6 “(i) a learner's permit stage that—

7 “(I) is at least 180 days in dura-
8 tion;

9 “(II) requires that the driver be
10 accompanied and supervised at all
11 times; and

12 “(III) has a requirement that the
13 driver obtain at least 50 hours of be-
14 hind-the-wheel training, with at least
15 10 hours at night, with a supervisor;
16 and

17 “(ii) an intermediate stage that—

18 “(I) commences immediately
19 after the expiration of the learner's
20 permit stage;

21 “(II) is at least 180 days in du-
22 ration; and

23 “(III) for the first 180 days of
24 the intermediate stage, restricts the
25 driver from—

1 “(aa) driving at night be-
2 tween the hours of 10:00 p.m.
3 and at least 4:00 a.m. except—

4 “(AA) when a parent,
5 guardian, driving instructor,
6 or licensed driver who is at
7 least 21 years of age is in
8 the motor vehicle; and

9 “(BB) when driving to
10 and from work, school and
11 school-related activities, reli-
12 gious activities, for emer-
13 gencies, or as a member of
14 voluntary emergency service;
15 and

16 “(bb) operating a motor ve-
17 hicle with any nonfamilial pas-
18 senger younger than 18 years of
19 age, except when a parent,
20 guardian, driving instructor, or
21 licensed driver who is at least 21
22 years of age is in the motor vehi-
23 cle.”;

24 (C) in paragraph (3)—

1 (i) in subparagraph (A) by inserting
2 “subparagraphs (A) and (B) of” before
3 “paragraph (2)”; and

4 (ii) in subparagraph (B) by inserting
5 “subparagraphs (A) and (B) of” before
6 “paragraph (2)” each place such term ap-
7 pears;

8 (D) in paragraph (4) by striking “such fis-
9 cal year” and inserting “fiscal year 2009”; and
10 (E) by striking paragraph (5) and insert-
11 ing the following:

12 “(5) USE OF FUNDS.—

13 “(A) TIER 1 STATES.—A Tier 1 State shall
14 use grant funds provided under this subsection
15 for—

16 “(i) enforcing a 2-stage licensing
17 process that complies with paragraph (2);

18 “(ii) training for law enforcement per-
19 sonnel and other relevant State agency
20 personnel relating to the enforcement de-
21 scribed in clause (i);

22 “(iii) publishing relevant educational
23 materials that pertain directly or indirectly
24 to the State graduated driver licensing law;

1 “(iv) carrying out other administrative
2 activities that the Secretary considers rel-
3 evant to the State’s 2-stage licensing proc-
4 ess; or

5 “(v) carrying out a teen traffic safety
6 program described in section 402(m).

7 “(B) TIER 2 STATES.—Of the grant funds
8 made available to a Tier 2 State under this
9 subsection—

10 “(i) 25 percent shall be used for any
11 activity described in subparagraph (A);
12 and

13 “(ii) 75 percent may be used for any
14 project or activity eligible under section
15 402.”; and

16 (8) by adding at the end the following:

17 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

18 “(1) GENERAL AUTHORITY.—Subject to the re-
19 quirements under this subsection, the Secretary shall
20 award grants to—

21 “(A) States that enact a commuter safety
22 education program; and

23 “(B) States qualifying under paragraph
24 (5)(A).

1 “(2) FEDERAL SHARE.—The Federal share of
2 the costs of activities carried out using amounts
3 from a grant awarded under this subsection may not
4 exceed 80 percent.

5 “(3) ELIGIBILITY.—To be eligible for a grant
6 under this subsection, a State shall enact a law or
7 adopt a program that requires the following:

8 “(A) DRIVER EDUCATION AND DRIVING
9 SAFETY COURSES.—Inclusion, in driver edu-
10 cation and driver safety courses provided to in-
11 dividuals by educational and motor vehicle
12 agencies of the State, of instruction and testing
13 concerning law enforcement practices during
14 traffic stops, including information on—

15 “(i) the role of law enforcement and
16 the duties and responsibilities of peace offi-
17 cers;

18 “(ii) an individual’s legal rights con-
19 cerning interactions with peace officers;

20 “(iii) best practices for civilians and
21 peace officers during such interactions;

22 “(iv) the consequences for an individ-
23 ual’s or officer’s failure to comply with
24 those laws and programs; and

1 “(v) how and where to file a com-
2 plaint against or a compliment on behalf of
3 a peace officer.

4 “(B) PEACE OFFICER TRAINING PRO-
5 GRAMS.—Development and implementation of a
6 training program, including instruction and
7 testing materials, for peace officers and reserve
8 law enforcement officers (other than officers
9 who have received training in a civilian course
10 described in subparagraph (A)) with respect to
11 proper interaction with civilians during traffic
12 stops.

13 “(4) GRANT AMOUNT.—The allocation of grant
14 funds to a State under this subsection for a fiscal
15 year shall be in proportion to the State’s apporportion-
16 ment under section 402 for fiscal year 2009.

17 “(5) SPECIAL RULE FOR CERTAIN STATES.—

18 “(A) QUALIFYING STATE.—A State quali-
19 fies pursuant to this subparagraph if—

20 “(i) the Secretary determines such
21 State has taken meaningful steps toward
22 the full implementation of a law or pro-
23 gram described in paragraph (3);

24 “(ii) the Secretary determines such
25 State has established a timetable for the

1 implementation of such a law or program;
2 and

3 “(iii) such State has received a grant
4 pursuant to this subsection for a period of
5 not more than 5 years.

6 “(B) WITHHOLDING.—With respect to a
7 State that qualifies pursuant to subparagraph
8 (A), the Secretary shall—

9 “(i) withhold 50 percent of the
10 amount that such State would otherwise
11 receive if such State were a State described
12 in paragraph (1)(A); and

13 “(ii) direct any such amounts for dis-
14 tribution among the States that are enforce-
15 ing and carrying out a law or program de-
16 scribed in paragraph (3).

17 “(6) USE OF GRANT AMOUNTS.—A State re-
18 ceiving a grant under this subsection may use such
19 grant—

20 “(A) for the production of educational ma-
21 terials and training of staff for driver education
22 and driving safety courses and peace officer
23 training described in paragraph (3); and

24 “(B) for the implementation of the law de-
25 scribed in paragraph (3).”.

1 (b) CONFORMING AMENDMENT.—Sections 402, 403,
2 and 405 of title 23, United States Code, are amended—

3 (1) by striking “accidents” and inserting
4 “crashes” each place it appears; and

5 (2) by striking “accident” and inserting
6 “crash” each place it appears.

7 **SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
8 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
9 **ING UNDER THE INFLUENCE.**

10 Section 164(b)(1) of title 23, United States Code, is
11 amended—

12 (1) in subparagraph (A) by striking “alcohol-
13 impaired” and inserting “alcohol or polysubstance-
14 impaired”; and

15 (2) in subparagraph (B)—

16 (A) by striking “alcohol-impaired” and in-
17 serting “alcohol or polysubstance-impaired”;

18 (B) by striking “or” and inserting a
19 comma; and

20 (C) by inserting “, or driving while
21 polysubstance-impaired” after “driving under
22 the influence”.

1 **SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT**

2 **ELIGIBILITY.**

3 Section 4010(2) of the FAST Act (23 U.S.C. 405
4 note) is amended by striking “deficiencies” and inserting
5 “all deficiencies”.

6 **SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING**

7 **GRANTS.**

8 (a) **IN GENERAL.**—The Secretary of Transportation
9 shall make grants to institutions of higher education (as
10 such term is defined in section 101 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1001) for research and
12 training in the operation or establishment of an implicit
13 bias training program as it relates to racial profiling at
14 traffic stops.

15 (b) **QUALIFICATIONS.**—To be eligible for a grant
16 under this section, an institution of higher education
17 shall—

18 (1) have an active research program or dem-
19 onstrate, to the satisfaction of the Secretary, that
20 the applicant is beginning a research program to
21 study implicit bias as it relates to racial profiling be-
22 fore and during traffic stops; and

23 (2) partner with State and local police depart-
24 ments to conduct the research described in para-
25 graph (1) and carry out the implementation of im-

1 plicit bias training with State and local police de-
2 partments.

3 (c) REPORT.—No later than 1 year after a grant has
4 been awarded under this section, the institution of higher
5 education awarded the grant shall submit to the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report sum-
9 marizing the research on implicit bias as it relates to racial
10 profiling before and during traffic stops, and recommenda-
11 tions on effective interventions and trainings.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated \$10,000,000 for each
14 fiscal year to carry out this section.

15 (e) DEFINITIONS.—In this section, the term “implicit
16 bias training program” means a program that looks at the
17 attitudes, stereotypes, and lenses human beings develop
18 through various experiences in life that can unconsciously
19 affect how they interact with one another.

20 **SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.**

21 Section 4007 of the FAST Act (23 U.S.C. 153 note)
22 is amended—

23 (1) in paragraph (1) by striking “or” at the
24 end;

1 (2) in paragraph (2) by striking the period at
2 the end and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(3) otherwise profile and stop motorcycle oper-
5 ators or motorcycle passengers using as a factor the
6 clothing or mode of transportation of such operators
7 or passengers.”.

8 **SEC. 3012. ELECTRONIC DRIVER’S LICENSE.**

9 (a) REAL ID ACT.—Section 202(a)(1) of the REAL
10 ID Act of 2005 (49 U.S.C. 30301 note) is amended by
11 striking “a driver’s license or identification card” and in-
12 serting “a physical or electronic driver’s license or identi-
13 fication card”.

14 (b) TITLE 18.—Section 1028(d)(7)(A) of title 18,
15 United States Code, is amended by striking “government
16 issued driver’s license” and inserting “government issued
17 physical or electronic driver’s license”.

18 **SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Motorcyclist Advisory Council Reauthorization Act”.

21 (b) ESTABLISHMENT.—Not later than 90 days after
22 the date of enactment of this Act, the Secretary of Trans-
23 portation shall establish a Motorcyclist Advisory Council
24 (in this section referred to as the “Council”).

25 (c) DUTIES.—

1 (1) ADVISING.—The Council shall advise the
2 Secretary, the Administrator of the National High-
3 way Traffic Safety Administration, and the Adminis-
4 trator of the Federal Highway Administration on
5 transportation issues of concern to motorcyclists, in-
6 cluding—

7 (A) barrier design;

8 (B) road design, construction, and mainte-
9 nance practices; and

10 (C) the architecture and implementation of
11 intelligent transportation system technologies.

12 (2) BIENNIAL COUNCIL REPORT.—

13 (A) IN GENERAL.—The Council shall sub-
14 mit a report to the Secretary containing the
15 Council's recommendations regarding the issues
16 described in paragraph (1) on which the Coun-
17 cil provides advice pursuant to such paragraph.

18 (B) TIMING.—Not later than October 31
19 of the calendar year following the calendar year
20 in which the Council is established, and by
21 every 2nd October 31 thereafter, the Council
22 shall submit the report required under this
23 paragraph.

24 (d) MEMBERSHIP.—

1 (1) IN GENERAL.—The Council shall be com-
2 prised of 12 members appointed by the Secretary as
3 follows:

4 (A) Five experts from State or local gov-
5 ernment on highway engineering issues, includ-
6 ing—

7 (i) barrier design;

8 (ii) road design, construction, and
9 maintenance; or

10 (iii) intelligent transportation systems.

11 (B) One State or local traffic and safety
12 engineer, design engineer, or other transpor-
13 tation department official who is a motorcyclist.

14 (C) One representative from a national as-
15 sociation of State transportation officials.

16 (D) One representative from a national
17 motorcyclist association.

18 (E) One representative from a national
19 motorcyclist foundation.

20 (F) One representative from a national
21 motorcycle manufacturing association.

22 (G) One roadway safety data expert on
23 crash testing and analysis.

1 (H) One member of a national safety orga-
2 nization that represents the traffic safety sys-
3 tems industry.

4 (2) DURATION.—

5 (A) TERM.—Subject to subparagraphs (B)
6 and (C), each member shall serve one term of
7 2 years.

8 (B) ADDITIONAL TERMS.—If a successor is
9 not designated for a member before the expira-
10 tion of the term the member is serving, the
11 member may serve another term.

12 (C) APPOINTMENT OF REPLACEMENTS.—If
13 a member resigns before serving a full 2-year
14 term, the Secretary may appoint a replacement
15 for such member to serve the remaining portion
16 such term. A member may continue to serve
17 after resignation until a successor has been ap-
18 pointed. A vacancy in the Council shall be filled
19 in the manner in which the original appoint-
20 ment was made.

21 (3) COMPENSATION.—Members shall serve
22 without compensation.

23 (e) TERMINATION.—The Council shall terminate 6
24 years after the date of its establishment.

25 (f) DUTIES OF THE SECRETARY.—

1 (1) ACCEPT OR REJECT RECOMMENDATION.—

2 (A) SECRETARY DETERMINES.—The Sec-
3 retary shall determine whether to accept or re-
4 ject a recommendation contained in a Council
5 report.

6 (B) TIMING.—

7 (i) MUST ACCEPT OR REJECT.—The
8 Secretary must indicate in each report sub-
9 mitted under this section the Secretary's
10 acceptance or rejection of each rec-
11 ommendation listed in such report.

12 (ii) EXCEPTION.—The Secretary may
13 indicate in a report submitted under this
14 section that a recommendation is under
15 consideration. If the Secretary does so, the
16 Secretary must accept or reject the rec-
17 ommendation in the next report submitted
18 under this section.

19 (2) REPORT.—

20 (A) IN GENERAL.—Not later than 60 days
21 after the Secretary receives a Council report,
22 the Secretary shall submit a report to the fol-
23 lowing committees and subcommittees:

1 (i) The Committee on Transportation
2 and Infrastructure of the House of Rep-
3 resentatives.

4 (ii) The Committee on Environment
5 and Public Works of the Senate.

6 (iii) The Committee on Commerce,
7 Science, and Transportation of the Senate.

8 (iv) The Subcommittee on Transpor-
9 tation, and Housing and Urban Develop-
10 ment, and Related Agencies of the Com-
11 mittee on Appropriations of the House of
12 Representatives.

13 (v) The Subcommittee on Transpor-
14 tation, and Housing and Urban Develop-
15 ment, and Related Agencies of the Com-
16 mittee on Appropriations of the Senate.

17 (B) CONTENTS.—A report submitted
18 under this subsection shall include—

19 (i) a list containing—

20 (I) each recommendation con-
21 tained in the Council report described
22 in paragraph (1); and

23 (II) each recommendation indi-
24 cated as under consideration in the

1 previous report submitted under this
2 subsection; and

3 (ii) for each such recommendation,
4 whether it is accepted, rejected, or under
5 consideration by the Secretary.

6 (3) ADMINISTRATIVE AND TECHNICAL SUP-
7 PORT.—The Secretary shall provide such adminis-
8 trative support, staff, and technical assistance to the
9 Council as the Secretary determines to be necessary
10 for the Council to carry out its duties.

11 (g) DEFINITIONS.—In this section:

12 (1) COUNCIL REPORT.—The term “Council re-
13 port” means the report described in subsection
14 (f)(2).

15 (2) SECRETARY.—The term “Secretary” means
16 the Secretary of Transportation.

17 **TITLE IV—MOTOR CARRIER**
18 **SAFETY**

19 **Subtitle A—Motor Carrier Safety**
20 **Grants, Operations, and Programs**

21 **SEC. 4101. MOTOR CARRIER SAFETY GRANTS.**

22 (a) IN GENERAL.—Section 31104 of title 49, United
23 States Code, is amended—

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
2 lowing sums are authorized to be appropriated from the
3 Highway Trust Fund (other than the Mass Transit Ac-
4 count):

5 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
6 GRAM.—Subject to paragraph (2) and subsection (c),
7 to carry out section 31102 (except subsection (l))—

8 “(A) \$388,950,000 for fiscal year 2022;

9 “(B) \$398,700,000 for fiscal year 2023;

10 “(C) \$408,900,000 for fiscal year 2024;

11 and

12 “(D) \$418,425,000 for fiscal year 2025.

13 “(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—
14 Subject to subsection (c), to carry out section
15 31102(l)—

16 “(A) \$72,604,000 for fiscal year 2022;

17 “(B) \$74,424,000 for fiscal year 2023;

18 “(C) \$76,328,000 for fiscal year 2024; and

19 “(D) \$78,106,000 for fiscal year 2025.

20 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
21 GRANT PROGRAM.—To carry out section 31103—

22 “(A) \$1,037,200 for fiscal year 2022;

23 “(B) \$1,063,200 for fiscal year 2023;

24 “(C) \$1,090,400 for fiscal year 2024; and

25 “(D) \$1,115,800 for fiscal year 2025.

1 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
2 IMPLEMENTATION PROGRAM.—Subject to subsection
3 (c), to carry out section 31313—

4 “(A) \$56,008,800 for fiscal year 2022;

5 “(B) \$57,412,800 for fiscal year 2023;

6 “(C) \$58,881,600 for fiscal year 2024; and

7 “(D) \$60,253,200 for fiscal year 2025.”;

8 (2) by striking subsection (c) and inserting the
9 following:

10 “(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

11 “(1) IN GENERAL.—On October 1 of each fiscal
12 year, or as soon after that date as practicable, the
13 Secretary may deduct from amounts made available
14 under paragraphs (1), (2), and (4) of subsection (a)
15 for that fiscal year not more than 1.50 percent of
16 those amounts for partner training and program
17 support in that fiscal year.

18 “(2) USE OF FUNDS.—The Secretary shall use
19 at least 75 percent of the amounts deducted under
20 paragraph (1) on training and related training mate-
21 rials for non-Federal Government employees.

22 “(3) PARTNERSHIP.—The Secretary shall carry
23 out the training and development of materials pursu-
24 ant to paragraph (2) in partnership with one or

1 more nonprofit organizations, selected on a competi-
2 tive basis, that have—

3 “(A) expertise in conducting a training
4 program for non-Federal Government employ-
5 ees; and

6 “(B) a demonstrated ability to involve in a
7 training program the target population of com-
8 mercial motor vehicle safety enforcement em-
9 ployees.”;

10 (3) in subsection (f)—

11 (A) in paragraph (1) by striking “the next
12 fiscal year” and inserting “the following 2 fiscal
13 years”;

14 (B) in paragraph (2)—

15 (i) by striking “section 31102(l)(2)”
16 and inserting “paragraphs (2) and (4) of
17 section 31102(l)”;

18 (ii) by striking “the next 2 fiscal
19 years” and inserting “the following 3 fiscal
20 years”; and

21 (C) in paragraph (3) by striking “the next
22 4 fiscal years” and inserting “the following 5
23 fiscal years”; and

24 (4) by adding at the end the following:

1 “(j) TREATMENT OF REALLOCATIONS.—Amounts
2 that are obligated and subsequently, after the date of en-
3 actment of this subsection, released back to the Secretary
4 under subsection (i) shall not be subject to limitations on
5 obligations provided under any other provision of law.”.

6 (b) COMMERCIAL DRIVER’S LICENSE PROGRAM IM-
7 PLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Sec-
8 tion 31313(b) of title 49, United States Code, is amend-
9 ed—

10 (1) by striking the period at the end and insert-
11 ing “; and”

12 (2) by striking “A recipient” and inserting the
13 following: “In participating in financial assistance
14 program under this section

15 “(1) a recipient”; and

16 (3) by adding at the end the following:

17 “(2) a State may not receive more than
18 \$250,000 in grants under subsection (a)(2) in any
19 fiscal year—

20 “(A) in which the State prohibits both pri-
21 vate commercial driving schools and inde-
22 pendent commercial driver’s license testing fa-
23 cilities from offering a commercial driver’s li-
24 cense skills test as a third-party tester; and

1 “(B) if, during the preceding fiscal year,
2 the State had delays of more than 7 calendar
3 days for the initial commercial driver’s license
4 skills test or retest at 4 or more testing loca-
5 tions within the State, as reported by the Ad-
6 ministrators of the Federal Motor Carrier Safety
7 Administration in accordance with section 5506
8 of the FAST Act (49 U.S.C. 31305 note).”.

9 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND**
10 **PROGRAMS.**

11 (a) IN GENERAL.—Section 31110 of title 49, United
12 States Code, is amended by striking subsection (a) and
13 inserting the following:

14 “(a) ADMINISTRATIVE EXPENSES.—There is author-
15 ized to be appropriated from the Highway Trust Fund
16 (other than the Mass Transit Account) for the Secretary
17 of Transportation to pay administrative expenses of the
18 Federal Motor Carrier Safety Administration—

19 “(1) \$380,500,000 for fiscal year 2022;

20 “(2) \$381,500,000 for fiscal year 2023;

21 “(3) \$382,500,000 for fiscal year 2024; and

22 “(4) \$384,500,000 for fiscal year 2025.”.

23 (b) ADMINISTRATIVE EXPENSES.—

1 (1) USE OF FUNDS.—The Administrator of the
2 Federal Motor Carrier Safety Administration shall
3 use funds made available in subsection (a) for—

4 (A) acceleration of planned investments to
5 modernize the Administration’s information
6 technology and information management sys-
7 tems;

8 (B) completing outstanding mandates;

9 (C) carrying out a Large Truck Crash
10 Causal Factors Study of the Administration;

11 (D) construction and maintenance of bor-
12 der facilities; and

13 (E) other activities authorized under sec-
14 tion 31110(b) of title 49, United States Code.

15 (2) DEFINITION OF OUTSTANDING MANDATE.—

16 In this subsection, the term “outstanding mandate”
17 means a requirement for the Federal Motor Carrier
18 Safety Administration to issue regulations, under-
19 take a comprehensive review or study, conduct a
20 safety assessment, or collect data—

21 (A) under this Act;

22 (B) under MAP–21 (Public Law 112–
23 141), that has not been published in the Fed-
24 eral Register, if required, or otherwise com-
25 pleted as of the date of enactment of this Act;

1 (C) under the FAST Act (Public Law
2 114–94), that has not been published in the
3 Federal Register, if required, or otherwise com-
4 pleted as of the date of enactment of this Act;
5 and

6 (D) under any other Act enacted before
7 the date of enactment of this Act that has not
8 been published in the Federal Register by the
9 date required in such Act.

10 **SEC. 4103. IMMOBILIZATION GRANT PROGRAM.**

11 Section 31102(l) of title 49, United States Code, is
12 amended—

13 (1) in paragraph (1) by striking “and (3)” and
14 inserting “, (3), and (4)”; and

15 (2) by adding at the end the following:

16 “(4) IMMOBILIZATION GRANT PROGRAM.—

17 “(A) IN GENERAL.—The Secretary shall
18 establish an immobilization grant program to
19 make discretionary grants to States for the im-
20 mobilization or impoundment of passenger-car-
21 rying commercial motor vehicles if such vehicles
22 are found to be unsafe or fail inspection.

23 “(B) CRITERIA FOR IMMOBILIZATION.—

24 The Secretary, in consultation with State com-
25 mercial motor vehicle entities, shall develop a

1 list of commercial motor vehicle safety viola-
2 tions and defects that the Secretary determines
3 warrant the immediate immobilization of a pas-
4 senger-carrying commercial motor vehicle.

5 “(C) ELIGIBILITY.—A State is only eligible
6 to receive a grant under this paragraph if such
7 State has the authority to require the immo-
8 bilization or impoundment of a passenger-car-
9 rying commercial motor vehicle if such vehicle is
10 found to have a violation or defect included in
11 the list developed under subparagraph (B).

12 “(D) USE OF FUNDS.— Grant funds pro-
13 vided under this paragraph may be used for—

14 “(i) the immobilization or impound-
15 ment of passenger-carrying commercial
16 motor vehicles found to have a violation or
17 defect included in the list developed under
18 subparagraph (B);

19 “(ii) safety inspections of such vehi-
20 cles; and

21 “(iii) other activities related to the ac-
22 tivities described in clauses (i) and (ii), as
23 determined by the Secretary.

24 “(E) SECRETARY AUTHORIZATION.—The
25 Secretary is authorized to award a State fund-

1 Federal Motor Carrier Safety Administration to identify
2 and prioritize motor carriers for intervention, using the
3 recommendations of the study required by section 5221(a)
4 of the FAST Act (49 U.S.C. 31100 note).

5 (b) DATA AVAILABILITY.—The Secretary shall, in
6 working toward implementation of the revised method-
7 ology described in subsection (a) prioritize revisions nec-
8 essary to—

9 (1) restore the public availability of all relevant
10 safety data under a revised methodology; and

11 (2) make such safety data publicly available
12 that was made publicly available on the day before
13 the date of enactment of the FAST Act, and make
14 publicly available any safety data that was required
15 to be made available by section 5223 of the FAST
16 Act (49 U.S.C. 31100 note).

17 (c) IMPLEMENTATION.—

18 (1) PROGRESS REPORTS.—Not later than 30
19 days after the date of enactment of this Act, and
20 every 90 days thereafter until the date on which the
21 Secretary implements the revised methodology de-
22 scribed in subsection (a), the Secretary shall submit
23 to the Committee on Transportation and Infrastruc-
24 ture of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of

1 the Senate, and make publicly available on a website
2 of the Department of Transportation, a progress re-
3 port on—

4 (A) the status of the revision of the meth-
5 odology and related data modifications under
6 subsection (a), a timeline for completion of such
7 revision, and an estimated date for implementa-
8 tion of such revised methodology;

9 (B) an explanation for any delays in devel-
10 opment or implementation of the revised meth-
11 odology over the reporting period; and

12 (C) if the Secretary has not resumed mak-
13 ing publicly available the data described in sub-
14 section (b), an updated timeline for the restora-
15 tion of the public availability of data and a de-
16 tailed explanation for why such restoration has
17 not occurred.

18 (2) PUBLICATION AND NOTIFICATION.—Prior
19 to commencing the use of the revised methodology
20 described in subsection (a) to identify and prioritize
21 motor carriers for intervention (other than in a test-
22 ing capacity), the Secretary shall—

23 (A) publish a detailed summary of the
24 methodology in the Federal Register and pro-
25 vide a period for public comment; and

1 (B) notify the Committee on Transpor-
2 tation and Infrastructure of the House of Rep-
3 resentatives and the Committee on Commerce,
4 Science, and Transportation of the Senate, in
5 writing.

6 (d) SAFETY FITNESS RULE.—

7 (1) RULEMAKING.—Not later than 1 year after
8 the date on which the Secretary notifies Congress
9 under subsection (c)(2), the Secretary shall issue
10 final regulations pursuant to section 31144(b) of
11 title 49, United States Code, to revise the method-
12 ology for issuance of motor carrier safety fitness de-
13 terminations.

14 (2) CONSIDERATIONS.—In issuing the regula-
15 tions under paragraph (1), the Secretary shall con-
16 sider the use of all available data to determine the
17 fitness of a motor carrier.

18 (e) REPEAL.—Section 5223 of the FAST Act (49
19 U.S.C. 31100 note), and the item related to such section
20 in the table of contents in section 1(b) of such Act, are
21 repealed.

22 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

23 Section 31315 of title 49, United States Code, is
24 amended—

25 (1) in subsection (b)—

1 (A) in paragraph (4)(A) by inserting “, in-
2 cluding data submission requirements,” after
3 “terms and conditions”; and

4 (B) by striking paragraph (8) and insert-
5 ing the following:

6 “(8) TERMS AND CONDITIONS.—

7 “(A) IN GENERAL.—The Secretary shall
8 establish terms and conditions for each exemp-
9 tion to ensure that the exemption will not likely
10 degrade the level of safety achieved by the per-
11 son or class of persons granted the exemption,
12 and allow the Secretary to evaluate whether an
13 equivalent level of safety is maintained while
14 the person or class of persons is operating
15 under such exemption, including—

16 “(i) requiring the regular submission
17 of accident and incident data to the Sec-
18 retary;

19 “(ii) requiring immediate notification
20 to the Secretary in the event of a crash
21 that results in a fatality or serious bodily
22 injury;

23 “(iii) for exemptions granted by the
24 Secretary related to hours of service rules
25 under part 395 of title 49, Code of Federal

1 Regulations, requiring that the exempt
2 person or class of persons submit to the
3 Secretary evidence of participation in a
4 recognized fatigue management plan; and

5 “(iv) providing documentation of the
6 authority to operate under the exemption
7 to each exempt person, to be used to dem-
8 onstrate compliance if requested by a
9 motor carrier safety enforcement officer
10 during a roadside inspection.

11 “(B) IMPLEMENTATION.—The Secretary
12 shall monitor the implementation of the exemp-
13 tion to ensure compliance with its terms and
14 conditions.”; and

15 (2) in subsection (e) by inserting “, based on an
16 analysis of data collected by the Secretary and sub-
17 mitted to the Secretary under subsection (b)(8)”
18 after “safety”.

19 **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**
20 **SENGERS.**

21 Section 31144(i) of title 49, United States Code, is
22 amended—

23 (1) in paragraph (1)—

1 (A) in subparagraph (A) by striking “who
2 the Secretary registers under section 13902 or
3 31134”; and

4 (B) in subparagraph (B) by inserting “to
5 motor carriers of passengers and” after
6 “apply”; and

7 (2) by adding at the end the following:

8 “(5) MOTOR CARRIER OF PASSENGERS DE-
9 FINED.—In this subsection, the term ‘motor carrier
10 of passengers’ includes an offeror of motorcoach
11 services that sells scheduled transportation of pas-
12 sengers for compensation at fares and on schedules
13 and routes determined by such offeror, regardless of
14 ownership or control of the vehicles or drivers used
15 to provide the transportation by motorcoach.”.

16 **SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.**

17 Section 13506(b) of title 49, United States Code, is
18 amended—

19 (1) in paragraph (2) by striking “or” at the
20 end;

21 (2) in paragraph (3) by striking the period at
22 the end and inserting “; or”; and

23 (3) by adding at the end the following:

24 “(4) transportation by a motor vehicle designed
25 or used to transport between 9 and 15 passengers

1 (including the driver), whether operated alone or
2 with a trailer attached for the transport of rec-
3 reational equipment, that is operated by a person
4 that provides recreational activities if—

5 “(A) the transportation is provided within
6 a 150 air-mile radius of the location where pas-
7 sengers are boarded; and

8 “(B) the person operating the motor vehi-
9 cle, if transporting passengers over a route be-
10 tween a place in a State and a place in another
11 State, is otherwise lawfully providing transpor-
12 tation of passengers over the entire route in ac-
13 cordance with applicable State law.”.

14 **SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO**
15 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
16 **INTERSTATE COMMERCE.**

17 (a) DEFINITIONS.—In this section:

18 (1) ADMINISTRATION.—The term “Administra-
19 tion” means the Federal Motor Carrier Safety Ad-
20 ministration.

21 (2) COVERED CARRIER.—The term “covered
22 carrier” means a motor carrier that is—

23 (A) engaged in the interstate transpor-
24 tation of household goods; and

1 (B) subject to the requirements of part
2 375 of title 49, Code of Federal Regulations (as
3 in effect on the effective date of the amend-
4 ments required by subsection (b)).

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of Transportation.

7 (b) AMENDMENTS TO REGULATIONS.—Not later
8 than 1 year after the date of enactment of this Act, the
9 Secretary shall issue a notice of proposed rulemaking to
10 amend regulations related to the interstate transportation
11 of household goods.

12 (c) CONSIDERATIONS.—In issuing the notice of pro-
13 posed rulemaking under subsection (b), the Secretary shall
14 consider the following recommended amendments to provi-
15 sions of title 49, Code of Federal Regulations:

16 (1) Section 375.207(b) to require each covered
17 carrier to include on the website of the covered car-
18 rier a link—

19 (A) to the publication of the Administra-
20 tion titled “Ready to Move—Tips for a Success-
21 ful Interstate Move” (ESA 03005) on the
22 website of the Administration; or

23 (B) to a copy of the publication referred to
24 in subparagraph (A) on the website of the cov-
25 ered carrier.

1 (2) Subsections (a) and (b)(1) of section
2 375.213 to require each covered carrier to provide to
3 each individual shipper, with any written estimate
4 provided to the shipper, a copy of the publication de-
5 scribed in appendix A of part 375 of such title, enti-
6 tled “Your Rights and Responsibilities When You
7 Move” (ESA–03–006 (or a successor publication)),
8 in the form of a written copy or a hyperlink on the
9 website of the covered carrier to the location on the
10 website of the Administration containing such publi-
11 cation.

12 (3) Subsection (e) of section 375.213, to repeal
13 such subsection.

14 (4) Section 375.401(a), to require each covered
15 carrier—

16 (A) to conduct a visual survey of the
17 household goods to be transported by the cov-
18 ered carrier—

19 (i) in person; or

20 (ii) virtually, using—

21 (I) a remote camera; or

22 (II) another appropriate tech-
23 nology;

1 (B) to offer a visual survey described in
2 subparagraph (A) for all household goods ship-
3 ments, regardless of the distance between—

4 (i) the location of the household
5 goods; and

6 (ii) the location of the agent of the
7 covered carrier preparing the estimate; and

8 (C) to provide to each shipper a copy of
9 publication of the Administration titled “Ready
10 to Move—Tips for a Successful Interstate Move”
11 (ESA 03005) on receipt from the shipper of a
12 request to schedule, or a waiver of, a visual sur-
13 vey offered under subparagraph (B).

14 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),
15 and 375.405(b)(7)(ii), and subpart D of appendix A
16 of part 375, to require that, in any case in which a
17 shipper tenders any additional item or requests any
18 additional service prior to loading a shipment, the
19 affected covered carrier shall—

20 (A) prepare a new estimate; and

21 (B) maintain a record of the date, time,
22 and manner in which the new estimate was ac-
23 cepted by the shipper.

24 (6) Section 375.501(a), to establish that a cov-
25 ered carrier is not required to provide to a shipper

1 an order for service if the covered carrier elects to
2 provide the information described in paragraphs (1)
3 through (15) of such section in a bill of lading that
4 is presented to the shipper before the covered carrier
5 receives the shipment.

6 (7) Subpart H of part 375, to replace the re-
7 place the terms “freight bill” and “expense bill”
8 with the term “invoice”.

9 **Subtitle C—Commercial Motor** 10 **Vehicle Driver Safety**

11 **SEC. 4301. COMMERCIAL DRIVER’S LICENSE FOR PAS-** 12 **SENGER CARRIERS.**

13 Section 31301(4)(B) of title 49, United States Code,
14 is amended to read as follows:

15 “(B) is designed or used to transport—

16 “(i) more than 8 passengers (includ-
17 ing the driver) for compensation; or

18 “(ii) more than 15 passengers (includ-
19 ing the driver), whether or not the trans-
20 portation is provided for compensation;
21 or”.

22 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-** 23 **ING.**

24 Section 31306(c)(2) of title 49, United States Code,
25 is amended by striking “, for urine testing,”.

1 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

2 Not later than January 1, 2021, and every 90 days
3 thereafter until the compliance date for the final rule pub-
4 lished on December 8, 2016, titled “Minimum Training
5 Requirements for Entry-Level Commercial Motor Vehicle
6 Operators” (81 Fed. Reg. 88732), the Secretary shall sub-
7 mit to the Committee on Transportation and Infrastruc-
8 ture of the House of Representatives and the Committee
9 on Commerce, Science, and Transportation of the Senate
10 a report on—

11 (1) a schedule, including benchmarks, to com-
12 plete implementation of the requirements under such
13 final rule;

14 (2) any anticipated delays, if applicable, in
15 meeting the benchmarks described in paragraph (1);

16 (3) the progress that the Secretary has made in
17 updating the Department of Transportation’s infor-
18 mation technology infrastructure to support the
19 training provider registry;

20 (4) a list of States that have adopted laws or
21 regulations to implement such final rule; and

22 (5) a list of States, if applicable, that are imple-
23 menting the rule and confirming that an applicant
24 for a commercial driver’s license has complied with
25 the requirements.

1 **SEC. 4304. DRIVER DETENTION TIME.**

2 (a) DATA COLLECTION.—Not later than 30 days
3 after the date of enactment of this Act, the Secretary
4 shall—

5 (1) begin to collect data on delays experienced
6 by operators of commercial motor vehicles, as re-
7 quired under section 5501 of the FAST Act (49
8 U.S.C. 14103 note) and as referenced in the request
9 for information published on June 10, 2019, titled
10 “Request for Information Concerning Commercial
11 Motor Vehicle Driver Detention Times During Load-
12 ing and Unloading” (84 Fed. Reg. 26932); and

13 (2) make such data available on a publicly ac-
14 cessible website of the Department of Transpor-
15 tation.

16 (b) DETENTION TIME LIMITS.—

17 (1) RULEMAKING.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary
19 shall initiate a rulemaking to establish limits on the
20 amount of time that an operator of a commercial
21 motor vehicle may be reasonably detained by a ship-
22 per or receiver before the loading or unloading of the
23 vehicle, if the operator is not compensated for such
24 time detained.

1 (2) CONTENTS.—As part of the rulemaking
2 conducted pursuant to subsection (a), the Secretary
3 shall—

4 (A) consider the diverse nature of oper-
5 ations in the movement of goods by commercial
6 motor vehicle;

7 (B) examine any correlation between time
8 detained and violations of the hours-of-service
9 rules under part 395 of title 49, Code of Fed-
10 eral Regulations;

11 (C) determine whether the effect of deten-
12 tion time on safety differs based on—

13 (i) how an operator is compensated;

14 and

15 (ii) the contractual relationship be-
16 tween the operator and the motor carrier,
17 including whether an operator is an em-
18 ployee, a leased owner-operator, or an
19 owner-operator with independent authority;

20 and

21 (D) establish a process for a motor carrier,
22 shipper, receiver, broker, or commercial motor
23 vehicle operator to report instances of time de-
24 tained beyond the Secretary's established limits.

1 (3) INCORPORATION OF INFORMATION.—The
2 Secretary shall incorporate information received
3 under paragraph (2)(D) into the process established
4 pursuant to subsection (a) once a final rule takes ef-
5 fect.

6 (c) DATA PROTECTION.—Data made available pursu-
7 ant to this section shall be made available in a manner
8 that—

9 (1) precludes the connection of the data to any
10 individual motor carrier or commercial motor vehicle
11 operator; and

12 (2) protects privacy and confidentiality of indi-
13 viduals, operators, and motor carriers submitting the
14 data.

15 (d) COMMERCIAL MOTOR VEHICLE DEFINED.—In
16 this section, the term “commercial motor vehicle” has the
17 meaning given such term in section 31101 of title 49,
18 United States Code.

19 **SEC. 4305. TRUCK LEASING TASK FORCE.**

20 (a) ESTABLISHMENT.—Not later than 6 months after
21 the date of enactment of this Act, the Secretary of Trans-
22 portation, in consultation with the Secretary of Labor,
23 shall establish a Truck Leasing Task Force (hereinafter
24 referred to as the “Task Force”).

1 (b) MEMBERSHIP.—The Secretary of Transportation
2 shall select not more than 15 individuals to serve as mem-
3 bers of the Task Force, including equal representation
4 from each of the following:

5 (1) Labor organizations.

6 (2) The motor carrier industry, including inde-
7 pendent owner-operators.

8 (3) Consumer protection groups.

9 (4) Safety groups.

10 (5) Members of the legal profession who spe-
11 cialize in consumer finance issues.

12 (c) DUTIES.—The Task Force shall examine, at a
13 minimum—

14 (1) common truck leasing arrangements avail-
15 able to commercial motor vehicle drivers, including
16 lease-purchase agreements;

17 (2) the terms of such leasing agreements;

18 (3) the prevalence of predatory leasing agree-
19 ments in the motor carrier industry;

20 (4) specific agreements available to drayage
21 drivers at ports related to the Clean Truck Program
22 or similar programs to decrease emissions from port
23 operations;

1 (5) the impact of truck leasing agreements on
2 the net compensation of commercial motor vehicle
3 drivers, including port drayage drivers;

4 (6) resources to assist commercial motor vehicle
5 drivers in assessing the impacts of leasing agree-
6 ments; and

7 (7) the classification of commercial motor vehi-
8 cle drivers under lease-purchase agreements.

9 (d) COMPENSATION.—A member of the Task Force
10 shall serve without compensation.

11 (e) REPORT.—Upon completion of the examination
12 described in subsection (c), the Task Force shall submit
13 to the Secretary of Transportation, Secretary of Labor,
14 and appropriate congressional committees a report con-
15 taining—

16 (1) the findings of the Task Force on the mat-
17 ters described in subsection (c);

18 (2) best practices related to—

19 (A) assisting a commercial motor vehicle
20 driver in assessing the impacts of leasing agree-
21 ments prior to entering into such agreements;
22 and

23 (B) assisting a commercial motor vehicle
24 driver who has entered into a predatory lease
25 agreement; and

1 (3) recommendations on changes to laws or reg-
2 ulations, as applicable, at the Federal, State, or local
3 level to promote fair leasing agreements under which
4 a commercial motor vehicle driver is able to earn a
5 living wage.

6 (f) TERMINATION.—Not later than 1 month after the
7 date of submission of the report pursuant to subsection
8 (e), the Task Force shall terminate.

9 **SEC. 4306. HOURS OF SERVICE.**

10 (a) AUTHORITY TO ISSUE REGULATIONS.—Notwith-
11 standing the authority of the Secretary of Transportation
12 to issue regulations under section 31502 of title 49,
13 United States Code, the Secretary shall delay the effective
14 date of the final rule published on June 1, 2020, titled
15 “Hours of Service of Drivers” (85 Fed. Reg. 33396) until
16 60 days after the date on which the Secretary submits
17 the report required under subsection (d).

18 (b) COMPREHENSIVE REVIEW.—

19 (1) COMPREHENSIVE REVIEW OF HOURS OF
20 SERVICE RULES.—Not later than 60 days after the
21 date of enactment of this Act, the Secretary shall
22 initiate a comprehensive review of hours of service
23 rules and the impacts of waivers, exemptions, and
24 other allowances that limit the applicability of such
25 rules.

1 (2) LIST OF EXEMPTIONS.—In carrying out the
2 comprehensive review required under paragraph (1),
3 the Secretary shall—

4 (A) compile a list of waivers, exemptions,
5 and other allowances—

6 (i) under which a driver may operate
7 in excess of the otherwise applicable limits
8 on on-duty or driving time in absence of
9 such exemption, waiver, or other allowance;

10 (ii) under which a driver may operate
11 without recording compliance with hours of
12 service rules through the use of an elec-
13 tronic logging device; and

14 (iii) applicable—

15 (I) to specific segments of the
16 motor carrier industry or sectors of
17 the economy;

18 (II) on a periodic or seasonal
19 basis; and

20 (III) to specific types of oper-
21 ations, including the short haul ex-
22 emption under part 395 of title 49,
23 Code of Federal Regulations;

24 (B) specify whether each such waiver, ex-
25 emption, or other allowance was granted by the

1 Department of Transportation or enacted by
2 Congress, and how long such waiver, exemption,
3 or other allowance has been in effect; and

4 (C) estimate the number of motor carriers,
5 motor private carriers, and drivers that may
6 qualify to use each waiver, exemption, or other
7 allowance.

8 (3) SAFETY IMPACT ANALYSIS.—

9 (A) IN GENERAL.—In carrying out the
10 comprehensive review under paragraph (1), the
11 Secretary, in consultation with State motor car-
12 rier enforcement entities, shall undertake a sta-
13 tistically valid analysis to determine the safety
14 impact, including on enforcement, of the exemp-
15 tions, waivers, or other allowances compiled
16 under paragraph (2) by—

17 (i) using available data, or collecting
18 from motor carriers or motor private car-
19 riers and drivers operating under an ex-
20 emption, waiver, or other allowance if the
21 Secretary does not have sufficient data, to
22 determine the incidence of accidents, fa-
23 tigue-related incidents, and other relevant
24 safety information related to hours of serv-
25 ice among motor carriers, private motor

1 carriers, and drivers permitted to operate
2 under each exemption, waiver, or other al-
3 lowance;

4 (ii) comparing the data described in
5 subparagraph (A) to safety data from
6 motor carriers, motor private carriers, and
7 drivers that are subject to the hours of
8 service rules and not operating under an
9 exemption, waiver, or other allowance; and

10 (iii) based on the comparison under
11 subparagraph (B), determining whether
12 waivers, exemptions, and other allowances
13 in effect provide an equivalent level of safe-
14 ty as would exist in the absence of exemp-
15 tions, waivers, or other allowances.

16 (B) CONSULTATION.—The Secretary shall
17 consult with State motor carrier enforcement
18 entities in carrying out this paragraph.

19 (C) EXCLUSIONS.—The Secretary shall ex-
20 clude data related to exemptions, waivers, or
21 other allowances made pursuant to an emer-
22 gency declaration under section 390.23 of title
23 49, Code of Federal Regulations, or extended
24 under section 390.25 of title 49, Code of Fed-

1 eral Regulations, from the analysis required
2 under this paragraph.

3 (4) DRIVER IMPACT ANALYSIS.—In carrying out
4 the comprehensive review under paragraph (1), the
5 Secretary shall further consider—

6 (A) data on driver detention collected by
7 the Secretary pursuant to section 4304 of this
8 Act and other conditions affecting the move-
9 ment of goods by commercial motor vehicle, and
10 how such conditions interact with the Sec-
11 retary’s regulations on hours of service;

12 (B) whether exemptions, waivers, or other
13 allowances that permit additional on-duty time
14 or driving time have a deleterious effect on the
15 physical condition of drivers; and

16 (C) whether differences in the manner in
17 which drivers are compensated result in dif-
18 ferent levels of burden for drivers in complying
19 with hours of service rules.

20 (e) PEER REVIEW.—Prior to the publication of the
21 review required under subsection (d), the analyses per-
22 formed by the Secretary shall undergo an independent
23 peer review.

24 (d) PUBLICATION.—Not later than 18 months after
25 the date that the Secretary initiates the comprehensive re-

1 view under subsection (b)(1), the Secretary shall publish
2 the findings of such review in the Federal Register and
3 provide for a period for public comment.

4 (e) REPORT TO CONGRESS.—Not later than 30 days
5 after the conclusion of the public comment period under
6 subsection (d), the Secretary shall submit to the Com-
7 mittee on Commerce, Science, and Transportation and the
8 Committee on Environment and Public Works of the Sen-
9 ate and the Committee on Transportation and Infrastruc-
10 ture of the House of Representatives and make publicly
11 available on a website of the Department of Transpor-
12 tation a report containing the information and analyses
13 required under subsection (b).

14 (f) REPLACEMENT OF GUIDANCE.—Notwithstanding
15 subsection (a), the Secretary shall replace the Department
16 of Transportation guidance published on June 7, 2018,
17 titled “Hours of Service of Drivers of Commercial Motor
18 Vehicles: Regulatory Guidance Concerning the Use of a
19 Commercial Motor Vehicle for Personal Conveyance” (83
20 Fed. Reg. 26377) with specific mileage or time limits, or
21 both, for the use of personal conveyance established
22 through a rulemaking.

23 (g) DEFINITIONS.—In this section:

24 (1) MOTOR CARRIER; MOTOR PRIVATE CAR-
25 RIER.—The terms “motor carrier” and “motor pri-

1 vate carrier” have the meanings given such terms in
2 section 31501 of title 49, United States Code.

3 (2) ON-DUTY TIME; DRIVING TIME; ELEC-
4 TRONIC LOGGING DEVICE.—The terms “on-duty
5 time”, “driving time”, and “electronic logging de-
6 vice” have the meanings given such terms in section
7 395.2 of title 49, Code of Federal Regulations (as
8 in effect on June 1, 2020).

9 **SEC. 4307. DRIVER RECRUITMENT.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the inspector general of the
12 Department of Transportation shall submit to the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate a report exam-
16 ining the operation of commercial motor vehicles in the
17 United States by drivers admitted to the United States
18 under temporary business visas.

19 (b) CONTENTS.—The report under paragraph (1)
20 shall include—

21 (1) an assessment of—

22 (A) the prevalence of the operation of com-
23 mercial motor vehicles in the United States by
24 drivers admitted to the United States under
25 temporary business visas;

1 (B) the characteristics of motor carriers
2 that recruit and use such drivers, including the
3 country of domicile of the motor carrier or sub-
4 sidiary;

5 (C) the demographics of drivers operating
6 in the United States under such visas, including
7 the country of domicile of such drivers; and

8 (D) the contractual relationship between
9 such motor carriers and such drivers;

10 (2) an analysis of whether such drivers are re-
11 quired to comply with—

12 (A) motor carrier safety regulations under
13 subchapter B of chapter III of title 49, Code of
14 Federal Regulations, including—

15 (i) the English proficiency require-
16 ment under section 391.11(2) of title 49,
17 Code of Federal Regulations;

18 (ii) the requirement for drivers of a
19 motor carrier to report any violations of a
20 regulation to such motor carrier under sec-
21 tion 391.27 of title 49, Code of Federal
22 Regulations; and

23 (iii) driver's licensing requirements
24 under part 383 of title 49, Code of Federal
25 Regulations, including entry-level driver

1 training and drug and alcohol testing
2 under part 382 of such title; and

3 (B) regulations prohibiting point-to-point
4 transportation in the United States, or cabo-
5 tage, under part 365 of title 49, Code of Fed-
6 eral Regulations;

7 (3) an evaluation of the safety record of the op-
8 erations and drivers described in paragraph (1), in-
9 cluding—

10 (A) violations of the motor carrier safety
11 regulations under subchapter B of chapter III
12 of title 49, Code of Federal Regulations, includ-
13 ing applicable requirements described in para-
14 graph (2)(A); and

15 (B) the number of crashes involving such
16 operations and drivers; and

17 (4) the impact of such operations and drivers
18 on—

19 (A) commercial motor vehicle drivers domi-
20 ciled in the United States, including employ-
21 ment levels and driver compensation of such
22 drivers; and

23 (B) the competitiveness of motor carriers
24 domiciled in the United States.

25 (c) DEFINITIONS.—In this section:

1 (1) COMMERCIAL MOTOR VEHICLE.—In this
2 section, the term “commercial motor vehicle” has
3 the meaning given such term in section 31101 of
4 title 49, United States Code.

5 (2) TEMPORARY BUSINESS VISA.—The term
6 “temporary business visa” means any driver who is
7 present in the United States with status under sec-
8 tion 101(a)(15)(H)(i)(b) of the Immigration and
9 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

10 **SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.**

11 (a) IN GENERAL.—Not later than 6 months after the
12 date of enactment of this Act, the Secretary of Transpor-
13 tation shall—

14 (1) assess the risk posed by untreated obstruc-
15 tive sleep apnea in drivers of commercial motor vehi-
16 cles and the feasibility, benefits, and costs associated
17 with establishing screening criteria for obstructive
18 sleep apnea in drivers of commercial motor vehicles;

19 (2) issue a notice in the Federal Register con-
20 taining the independently peer-reviewed findings of
21 the assessment required under paragraph (1) not
22 later than 30 days after completion of the assess-
23 ment and provide an opportunity for public com-
24 ment; and

1 (3) if the Secretary contracts with an inde-
2 pendent third party to conduct the assessment re-
3 quired under paragraph (1), ensure that the inde-
4 pendent third party shall not have any financial or
5 contractual ties or relationship with a motor carrier
6 that transports passengers or property for com-
7 pensation, the motor carrier industry, or driver ad-
8 vocacy organizations.

9 (b) SCREENING CRITERIA.—

10 (1) IN GENERAL.—Not later than 12 months
11 after the date of enactment of this Act, the Sec-
12 retary shall publish in the Federal Register a pro-
13 posed rule to establish screening criteria for obstruc-
14 tive sleep apnea in commercial motor vehicle drivers
15 and provide an opportunity for public comment.

16 (2) FINAL RULE.—Not later than 2 years after
17 the date of enactment of this Act, the Secretary
18 shall issue a final rule to establish screening criteria
19 for obstructive sleep apnea in commercial motor ve-
20 hicle drivers.

21 (c) DEFINITIONS.—In this section:

22 (1) COMMERCIAL MOTOR VEHICLE.—The term
23 “commercial motor vehicle” has the meaning given
24 such term in section 31132 of title 49, United
25 States Code.

1 (2) MOTOR CARRIER.—The term “motor car-
2 rier” has the meaning given such term in section
3 13102 of title 49, United States Code.

4 **SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Promoting Women in Trucking Workforce Act”.

7 (b) FINDINGS.—Congress finds that—

8 (1) women make up 47 percent of the work-
9 force of the United States;

10 (2) women are significantly underrepresented in
11 the trucking industry, holding only 24 percent of all
12 transportation and warehousing jobs and rep-
13 resenting only—

14 (A) 6.6 percent of truck drivers;

15 (B) 12.5 percent of all workers in truck
16 transportation; and

17 (C) 8 percent of freight firm owners;

18 (3) given the total number of women truck driv-
19 ers, women are underrepresented in the truck-driv-
20 ing workforce; and

21 (4) women truck drivers have been shown to be
22 20 percent less likely than male counterparts to be
23 involved in a crash.

24 (c) SENSE OF CONGRESS REGARDING WOMEN IN
25 TRUCKING.—It is the sense of Congress that the trucking

1 industry should explore every opportunity, including driver
2 training and mentorship programs, to encourage and sup-
3 port the pursuit of careers in trucking by women.

4 (d) ESTABLISHMENT.—To encourage women to enter
5 the field of trucking, the Administrator shall establish and
6 facilitate an advisory board, to be known as the “Women
7 of Trucking Advisory Board”, to promote organizations
8 and programs that—

9 (1) provide education, training, mentorship, or
10 outreach to women in the trucking industry; and

11 (2) recruit women into the trucking industry.

12 (e) MEMBERSHIP.—

13 (1) IN GENERAL.—The Board shall be com-
14 posed of not fewer than 7 members whose back-
15 grounds allow those members to contribute balanced
16 points of view and diverse ideas regarding the strate-
17 gies and objectives described in subsection (f)(2).

18 (2) APPOINTMENT.—Not later than 270 days
19 after the date of enactment of this Act, the Adminis-
20 trator shall appoint the members of the Board, of
21 whom—

22 (A) not fewer than 1 shall be a representa-
23 tive of large trucking companies;

24 (B) not fewer than 1 shall be a representa-
25 tive of mid-sized trucking companies;

1 (C) not fewer than 1 shall be a representa-
2 tive of small trucking companies;

3 (D) not fewer than 1 shall be a representa-
4 tive of nonprofit organizations in the trucking
5 industry;

6 (E) not fewer than 1 shall be a representa-
7 tive of trucking business associations;

8 (F) not fewer than 1 shall be a representa-
9 tive of independent owner-operators; and

10 (G) not fewer than 1 shall be a woman
11 who is a professional truck driver.

12 (3) TERMS.—Each member shall be appointed
13 for the life of the Board.

14 (4) COMPENSATION.—A member of the Board
15 shall serve without compensation.

16 (f) DUTIES.—

17 (1) IN GENERAL.—The Board shall identify—

18 (A) industry trends that directly or indi-
19 rectly discourage women from pursuing careers
20 in trucking, including—

21 (i) any differences between women mi-
22 nority groups;

23 (ii) any differences between women
24 who live in rural, suburban, and urban
25 areas; and

1 (iii) any safety risks unique to the
2 trucking industry;

3 (B) ways in which the functions of truck-
4 ing companies, nonprofit organizations, and
5 trucking associations may be coordinated to fa-
6 cilitate support for women pursuing careers in
7 trucking;

8 (C) opportunities to expand existing oppor-
9 tunities for women in the trucking industry;
10 and

11 (D) opportunities to enhance trucking
12 training, mentorship, education, and outreach
13 programs that are exclusive to women.

14 (2) REPORT.—Not later than 18 months after
15 the date of enactment of this Act, the Board shall
16 submit to the Administrator a report describing
17 strategies that the Administrator may adopt—

18 (A) to address any industry trends identi-
19 fied under paragraph (1)(A);

20 (B) to coordinate the functions of trucking
21 companies, nonprofit organizations, and truck-
22 ing associations in a manner that facilitates
23 support for women pursuing careers in truck-
24 ing;

25 (C) to—

1 (i) take advantage of any opportuni-
2 ties identified under paragraph (1)(C); and

3 (ii) create new opportunities to ex-
4 pand existing scholarship opportunities for
5 women in the trucking industry; and

6 (D) to enhance trucking training,
7 mentorship, education, and outreach programs
8 that are exclusive to women.

9 (g) REPORT TO CONGRESS.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Administrator
12 shall submit to the Committee on Commerce,
13 Science, and Transportation of the Senate and the
14 Committee on Transportation and Infrastructure of
15 the House of Representatives a report describing—

16 (A) any strategies recommended by the
17 Board under subsection (f)(2); and

18 (B) any actions taken by the Adminis-
19 trator to adopt the strategies recommended by
20 the Board (or an explanation of the reasons for
21 not adopting the strategies).

22 (2) PUBLIC AVAILABILITY.—The Administrator
23 shall make the report under paragraph (1) publicly
24 available—

1 (A) on the website of the Federal Motor
2 Carrier Safety Administration; and

3 (B) in appropriate offices of the Federal
4 Motor Carrier Safety Administration.

5 (h) TERMINATION.—The Board shall terminate on
6 submission of the report to Congress under subsection (g).

7 (i) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Motor Carrier Safety Administration.

11 (2) BOARD.—The term “Board” means the
12 Women of Trucking Advisory Board established
13 under subsection (d).

14 (3) LARGE TRUCKING COMPANY.—The term
15 “large trucking company” means a motor carrier (as
16 defined in section 13102 of title 49, United States
17 Code) with an annual revenue greater than
18 \$1,000,000,000.

19 (4) MID-SIZED TRUCKING COMPANY.—The term
20 “mid-sized trucking company” means a motor car-
21 rier (as defined in section 13102 of title 49, United
22 States Code) with an annual revenue of not less
23 than \$35,000,000 and not greater than
24 \$1,000,000,000.

1 (5) SMALL TRUCKING COMPANY.—The term
2 “small trucking company” means a motor carrier
3 (as defined in section 13102 of title 49, United
4 States Code) with an annual revenue less than
5 \$35,000,000.

6 **Subtitle D—Commercial Motor** 7 **Vehicle and Schoolbus Safety**

8 **SEC. 4401. SCHOOLBUS SAFETY STANDARDS.**

9 (a) SCHOOLBUS SEATBELTS.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, the Secretary
12 shall issue a notice of proposed rulemaking to con-
13 sider requiring large schoolbuses to be equipped with
14 safety belts for all seating positions, if the Secretary
15 determines that such standards meet the require-
16 ments and considerations set forth in subsections (a)
17 and (b) of section 30111 of title 49, United States
18 Code.

19 (2) CONSIDERATIONS.—In issuing a notice of
20 proposed rulemaking under paragraph (1), the Sec-
21 retary shall consider—

22 (A) the safety benefits of a lap/shoulder
23 belt system (also known as a Type 2 seatbelt
24 assembly);

1 (B) the recommendations of the National
2 Transportation Safety Board on seatbelts in
3 schoolbuses;

4 (C) existing experience, including analysis
5 of student injuries and fatalities compared to
6 States without seat belt laws, and seat belt
7 usage rates, from States that require
8 schoolbuses to be equipped with seatbelts, in-
9 cluding Type 2 seatbelt assembly; and

10 (D) the impact of lap/shoulder belt systems
11 on emergency evacuations, with a focus on
12 emergency evacuations involving students below
13 the age of 14, and emergency evacuations ne-
14 cessitated by fire or water submersion; and

15 (E) the impact of lap/shoulder belt systems
16 on the overall availability of schoolbus transpor-
17 tation.

18 (3) REPORT.—If the Secretary determines that
19 a standard described in paragraph (1) does not meet
20 the requirements and considerations set forth in sub-
21 sections (a) and (b) of section 30111 of title 49,
22 United States Code, the Secretary shall submit to
23 the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee
25 on Commerce, Science, and Transportation of the

1 Senate a report that describes the reasons for not
2 prescribing such a standard.

3 (4) APPLICATION OF REGULATIONS.—Any regu-
4 lation issued based on the notice of proposed rule-
5 making described in paragraph (1) shall apply to
6 schoolbuses manufactured more than 3 years after
7 the date on which the regulation takes effect.

8 (b) AUTOMATIC EMERGENCY BRAKING.—Not later
9 than 2 years after the date of enactment of this Act, the
10 Secretary shall—

11 (1) prescribe a motor vehicle safety standard
12 under section 30111 of title 49, United States Code,
13 that requires all schoolbuses manufactured after the
14 effective date of such standard to be equipped with
15 an automatic emergency braking system; and

16 (2) as part of such standard, establish perform-
17 ance requirements for automatic emergency braking
18 systems, including operation of such systems.

19 (c) ELECTRONIC STABILITY CONTROL.—Not later
20 than 2 years after the date of enactment of this Act, the
21 Secretary shall—

22 (1) prescribe a motor vehicle safety standard
23 under section 30111 of title 49, United States Code,
24 that requires all schoolbuses manufactured after the
25 effective date of such standard to be equipped with

1 an electronic stability control system (as such term
2 is defined in section 571.136 of title 49, Code of
3 Federal Regulations (as in effect on the date of en-
4 actment of this Act)); and

5 (2) as part of such standard, establish perform-
6 ance requirements for electronic stability control sys-
7 tems, including operation of such systems.

8 (d) FIRE PREVENTION AND MITIGATION.—

9 (1) RESEARCH AND TESTING.—The Secretary
10 shall conduct research and testing to determine the
11 most prevalent causes of schoolbus fires and the best
12 methods to prevent such fires and to mitigate the ef-
13 fect of such fires, both inside and outside the school-
14 bus. Such research and testing shall consider—

15 (A) fire suppression systems standards,
16 which at a minimum prevent engine fires;

17 (B) firewall standards to prevent gas or
18 flames from entering into the passenger com-
19 partment in schoolbuses with engines that ex-
20 tend beyond the firewall; and

21 (C) interior flammability and smoke emis-
22 sions characteristics standards.

23 (2) STANDARDS.—The Secretary may issue fire
24 prevention and mitigation standards for schoolbuses,
25 based on the results of the Secretary's research and

1 testing under paragraph (1), if the Secretary deter-
2 mines that such standards meet the requirements
3 and considerations set forth in subsections (a) and
4 (b) of section 30111 of title 49, United States Code.
5 (e) DEFINITIONS.—In this section:

6 (1) AUTOMATIC EMERGENCY BRAKING.—The
7 term “automatic emergency braking” means a crash
8 avoidance system installed and operational in a vehi-
9 cle that consists of—

10 (A) a forward warning function—

11 (i) to detect vehicles and objects
12 ahead of the vehicle; and

13 (ii) to alert the operator of an im-
14 pending collision; and

15 (B) a crash-imminent braking function to
16 provide automatic braking when forward-look-
17 ing sensors of the vehicle indicate that—

18 (i) a crash is imminent; and

19 (ii) the operator of the vehicle is not
20 applying the brakes.

21 (2) LARGE SCHOOLBUS.—The term “large
22 schoolbus” means a schoolbus with a gross vehicle
23 weight rating of more than 10,000 pounds.

1 (3) SCHOOLBUS.—The term “schoolbus” has
2 the meaning given such term in section 30125(a) of
3 title 49, United States Code.

4 **SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.**

5 (a) REVIEW OF ILLEGAL PASSING LAWS.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, the Secretary of
8 Transportation shall—

9 (A) prepare a compilation of illegal passing
10 laws in all States, including levels of enforce-
11 ment and penalties and enforcement issues with
12 such laws and the impact of such laws on illegal
13 passing of schoolbuses in each State;

14 (B) review existing State laws that may in-
15 hibit effective schoolbus loading zone counter-
16 measures, which may include laws requiring
17 camera visibility of a driver’s face for enforce-
18 ment action, laws that may reduce stop-arm
19 camera effectiveness, the need for an officer to
20 witness the event for enforcement, and the lack
21 of primary enforcement for texting and driving;

22 (C) evaluate methods used by States to re-
23 view, document, and report to law enforcement
24 schoolbus stop-arm violations; and

1 (D) following the completion of the com-
2 pilation, issue recommendations on best prac-
3 tices on the most effective approaches to ad-
4 dress illegal passing of schoolbuses.

5 (2) PUBLICATION.—The compilation and rec-
6 ommendations prepared under paragraph (1) shall
7 be made publicly available on the website of the De-
8 partment of Transportation.

9 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date on which the Secretary makes the compila-
12 tion and recommendations under subsection (a)(2)
13 publicly available, the Secretary shall create and exe-
14 cute a public safety messaging campaign for dis-
15 tribution to States, divisions of motor vehicles,
16 schools, and other public outlets to highlight the
17 dangers of the illegal passing of schoolbuses, and
18 should include educating students and the public on
19 safe loading and unloading of schoolbuses.

20 (2) CONSULTATION.—The Secretary shall con-
21 sult with public and private schoolbus industry rep-
22 resentatives and States in developing the campaign
23 materials.

24 (3) UPDATE.—The Secretary shall periodically
25 update such materials.

1 (c) REVIEW OF TECHNOLOGIES.—

2 (1) IN GENERAL.—Not later than 2 years after
3 the date of enactment of this Act, the Secretary
4 shall review and evaluate the effectiveness of various
5 technologies to enhance schoolbus safety, including
6 cameras, audible warning systems, enhanced light-
7 ing, and other technological solutions.

8 (2) CONTENT.—The review under paragraph
9 (1)—

10 (A) shall include an evaluation of the costs
11 of new equipment and the potential impact on
12 overall schoolbus ridership;

13 (B) shall include an evaluation of advanced
14 technologies surrounding loading zone safety;

15 (C) shall include an evaluation of motion-
16 activated detection systems that are capable
17 of—

18 (i) detecting pedestrians, bicyclists,
19 and other road users located near the exte-
20 rior of the schoolbus; and

21 (ii) alerting the operator of the school-
22 bus of the road users described in clause
23 (i);

24 (D) shall include an evaluation of school-
25 bus lighting systems, to ensure clear commu-

1 nication to surrounding drivers on their appro-
2 priate action; and

3 (E) may include other technological solu-
4 tions that enhance schoolbus safety.

5 (3) CONSULTATION.—The Secretary shall con-
6 sult with manufacturers of schoolbus vehicles, manu-
7 facturers of various technologies, and school bus in-
8 dustry representatives in conducting the review
9 under paragraph (1).

10 (4) PUBLICATION.—The Secretary shall make
11 the findings of the review under paragraph (1) pub-
12 licly available on the website of the Department.

13 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

14 (1) IN GENERAL.—Not later than 2 years after
15 the date of enactment of this Act, the Secretary
16 shall—

17 (A) review driver education materials
18 across all States to determine whether and how
19 illegal passing of schoolbuses is addressed in
20 driver education materials, manuals, non-com-
21 mercial driver’s license testing, and road tests;
22 and

23 (B) make recommendations on how States
24 can improve education about illegal passing of
25 schoolbuses, particularly with new drivers.

1 (2) CONSULTATION.—The Secretary shall con-
2 sult with schoolbus industry representatives, States,
3 motor vehicle administrators, and other appropriate
4 motor vehicle experts in the preparation of the re-
5 view under paragraph (1).

6 (3) PUBLICATION.—The Secretary shall make
7 the findings of the review under paragraph (1) pub-
8 licly available on the website of the Department.

9 (e) REVIEW OF OTHER SAFETY ISSUES.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Secretary
12 shall—

13 (A) research the connections between ille-
14 gal passing of schoolbuses and other safety
15 issues, including distracted driving, morning
16 darkness, poor visibility, illumination and reach
17 of vehicle headlights, speed limits, and school-
18 bus stop locations in rural areas; and

19 (B) create a report containing the findings.

20 (2) PUBLICATION.—The Secretary shall make
21 the report created under paragraph (1)(B) publicly
22 available on the website of the Department.

1 **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**
2 **COMMERCIAL MOTOR VEHICLES.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall issue a final rule based on the advance notice
6 of proposed rulemaking published on April 27, 2016, titled
7 “State Inspection Programs for Passenger-Carrier Vehi-
8 cles” (81 Fed. Reg. 24769).

9 (b) CONSIDERATIONS.—In issuing a final rule under
10 subsection (a), the Secretary shall consider the impact of
11 continuing to allow self-inspection as a means to satisfy
12 periodic inspection requirements on the safety of pas-
13 senger carrier operations.

14 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

15 (a) FEDERAL MOTOR VEHICLE SAFETY STAND-
16 ARD.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary of
19 Transportation shall—

20 (A) prescribe a motor vehicle safety stand-
21 ard under section 30111 of title 49, United
22 States Code, that requires all commercial motor
23 vehicles manufactured after the effective date of
24 such standard to be equipped with an automatic
25 emergency braking system; and

1 (B) as part of such standard, establish
2 performance requirements for automatic emer-
3 gency braking systems, including operation of
4 such systems in a variety of driving conditions.

5 (2) CONSIDERATIONS.—Prior to prescribing the
6 standard required under paragraph (1)(A), the Sec-
7 retary shall—

8 (A) conduct a review of automatic emer-
9 gency braking systems in use in commercial
10 motor vehicles and address any identified defi-
11 ciencies with such systems in the rulemaking
12 proceeding to prescribe the standard, if prac-
13 ticable;

14 (B) assess the feasibility of updating the
15 software of emergency braking systems in use
16 in commercial motor vehicles to address any de-
17 ficiencies and to enable such systems to meet
18 the new standard; and

19 (C) consult with representatives of com-
20 mercial motor vehicle drivers regarding the ex-
21 periences of drivers with automatic emergency
22 braking systems in use in commercial motor ve-
23 hicles, including malfunctions or unwarranted
24 activations of such systems.

1 (3) COMPLIANCE DATE.—The Secretary shall
2 ensure that the compliance date of the standard pre-
3 scribed pursuant to paragraph (1) shall be not later
4 than 2 years after the date of publication of the
5 final rule prescribing such standard.

6 (b) FEDERAL MOTOR CARRIER SAFETY REGULA-
7 TION.—Not later than 1 year after the date of enactment
8 of this Act, the Secretary shall issue a regulation under
9 section 31136 of title 49, United States Code, that re-
10 quires that an automatic emergency braking system in-
11 stalled in a commercial motor vehicle that is in operation
12 on or after the effective date of the standard prescribed
13 under subsection (a) be used at any time during which
14 such commercial motor vehicle is in operation.

15 (c) DEFINITIONS.—In this section:

16 (1) AUTOMATIC EMERGENCY BRAKING SYS-
17 TEM.—The term “automatic emergency braking sys-
18 tem” means a crash avoidance system installed and
19 operational in a vehicle that consists of—

20 (A) a forward collision warning function—

21 (i) to detect vehicles and objects
22 ahead of the vehicle; and

23 (ii) to alert the operator of the vehicle
24 of an impending collision; and

1 (B) a crash-imminent braking function to
2 provide automatic braking when forward-look-
3 ing sensors of the vehicle indicate that—

4 (i) a crash is imminent; and

5 (ii) the operator of the vehicle is not
6 applying the brakes.

7 (2) COMMERCIAL MOTOR VEHICLE.—The term
8 “commercial motor vehicle” has the meaning given
9 such term in section 31101 of title 49, United
10 States Code.

11 **SEC. 4405. UNDERRIDE PROTECTION.**

12 (a) REAR UNDERRIDE GUARDS.—

13 (1) REAR GUARDS ON TRAILERS AND
14 SEMITRAILERS.—

15 (A) IN GENERAL.—Not later than 1 year
16 after the date of enactment of this Act, the Sec-
17 retary of Transportation shall issue such regu-
18 lations as are necessary to revise motor vehicle
19 safety standards under sections 571.223 and
20 571.224 of title 49, Code of Federal Regula-
21 tions, to require trailers and semi-trailers man-
22 ufactured after the date on which such regula-
23 tion is issued to be equipped with rear impact
24 guards that are designed to prevent passenger
25 compartment intrusion from a trailer or

1 semitrailer when a passenger vehicle traveling
2 at 35 miles per hour makes—

3 (i) an impact in which the passenger
4 vehicle impacts the center of the rear of
5 the trailer or semitrailer;

6 (ii) an impact in which 50 percent the
7 width of the passenger vehicle overlaps the
8 rear of the trailer or semitrailer; and

9 (iii) an impact in which 30 percent of
10 the width of the passenger vehicle overlaps
11 the rear of the trailer or semitrailer.

12 (B) EFFECTIVE DATE.—The rule issued
13 under subparagraph (A) shall require full com-
14 pliance with the motor carrier safety standard
15 prescribed in such rule not later than 2 years
16 after the date on which a final rule is issued.

17 (2) ADDITIONAL RESEARCH.—The Secretary
18 shall conduct additional research on the design and
19 development of rear impact guards that can prevent
20 underride crashes and protect motor vehicle pas-
21 sengers against severe injury at crash speeds of up
22 to 65 miles per hour.

23 (3) REVIEW OF STANDARDS.—Not later than 5
24 years after any revisions to standards or require-
25 ments related to rear impact guards pursuant to

1 paragraph (1), the Secretary shall review the stand-
2 ards or requirements to evaluate the need for
3 changes in response to advancements in technology
4 and upgrade such standards accordingly.

5 (4) INSPECTIONS.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this Act, the Sec-
8 retary shall issue such regulations as are nec-
9 essary to amend the regulations on minimum
10 periodic inspection standards under appendix G
11 to subchapter B of chapter III of title 49, Code
12 of Federal Regulations, and driver vehicle in-
13 spection reports under section 396.11 of title
14 49, Code of Federal Regulations, to include
15 rear impact guards and rear end protection (as
16 required by section 393.86 of title 49, Code of
17 Federal Regulations).

18 (B) CONSIDERATIONS.—In updating the
19 regulations described in subparagraph (A), the
20 Secretary shall consider it to be a defect or a
21 deficiency if a rear impact guard is missing or
22 has a corroded or compromised element that af-
23 fects the structural integrity and protective fea-
24 ture of such guard.

25 (b) SIDE UNDERRIDE GUARDS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall—

4 (A) complete additional research on side
5 underride guards to better understand the over-
6 all effectiveness of such guards;

7 (B) assess the feasibility, benefits, and
8 costs associated with installing side underride
9 guards on newly manufactured trailers and
10 semitrailers with a gross vehicle weight rating
11 of 10,000 pounds or more; and

12 (C) if warranted, develop performance
13 standards for such guards.

14 (2) INDEPENDENT RESEARCH.—If the Sec-
15 retary enters into a contract with a third party to
16 perform the research required under paragraph
17 (1)(A), the Secretary shall ensure that such third
18 party does not have any financial or contractual ties
19 or relationship with a motor carrier that transports
20 passengers or property for compensation, the motor
21 carrier industry, or an entity producing or supplying
22 underride guards.

23 (3) PUBLICATION OF ASSESSMENT.—Not later
24 than 90 days after completing the assessment re-
25 quired under paragraph (1)(B), the Secretary shall

1 issue a notice in the Federal Register containing the
2 findings of the assessment and provide an oppor-
3 tunity for public comment.

4 (4) REPORT TO CONGRESS.—After the conclu-
5 sion of the public comment period under paragraph
6 (3), the Secretary shall submit to the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report
10 that provides—

11 (A) the results of the assessment under
12 this subsection;

13 (B) a summary of the public comments re-
14 ceived by the Secretary under paragraph (3);
15 and

16 (C) a determination as to whether the Sec-
17 retary intends to develop performance require-
18 ments for side underride guards, including any
19 analysis that led to such determination.

20 (e) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
21 TION.—

22 (1) ESTABLISHMENT.—Not later than 30 days
23 after the date of enactment of this Act, the Sec-
24 retary of Transportation shall establish an Advisory
25 Committee on Underride Protection (in this sub-

1 section referred to as the “Committee”) to provide
2 advice and recommendations to the Secretary on
3 safety regulations to reduce crashes and fatalities in-
4 volving truck underrides.

5 (2) REPRESENTATION.—

6 (A) IN GENERAL.—The Committee shall be
7 composed of not more than 20 members ap-
8 pointed by the Secretary who are not employees
9 of the Department of Transportation and who
10 are qualified to serve because of their expertise,
11 training, or experience.

12 (B) MEMBERSHIP.—Members shall include
13 2 representatives of each of the following:

- 14 (i) Truck and trailer manufacturers.
15 (ii) Motor carriers, including inde-
16 pendent owner-operators.
17 (iii) Law enforcement.
18 (iv) Motor vehicle engineers.
19 (v) Motor vehicle crash investigators.
20 (vi) Truck safety organizations.
21 (vii) The insurance industry.
22 (viii) Emergency medical service pro-
23 viders.
24 (ix) Families of underride crash vic-
25 tims.

1 (x) Labor organizations.

2 (3) COMPENSATION.—Members of the Com-
3 mittee shall serve without compensation.

4 (4) MEETINGS.—The Committee shall meet at
5 least annually.

6 (5) SUPPORT.—On request of the Committee,
7 the Secretary shall provide information, administra-
8 tive services, and supplies necessary for the Com-
9 mittee to carry out the duties described in para-
10 graph (1).

11 (6) REPORT.—The Committee shall submit to
12 the Committee on Transportation and Infrastructure
13 of the House of Representatives and the Committee
14 on Commerce, Science, and Transportation of the
15 Senate a biennial report that shall—

16 (A) describe the advice and recommenda-
17 tions made to the Secretary; and

18 (B) include an assessment of progress
19 made by the Secretary in advancing safety reg-
20 ulations.

21 (d) DATA COLLECTION.—Not later than 1 year after
22 the date of enactment of this Act, the Secretary shall im-
23 plement recommendations 1 and 2 described in the report
24 by the Government Accountability Office published on
25 March 14, 2019, titled “Truck Underride Guards: Im-

1 proved Data Collection, Inspections, and Research Need-
2 ed” (GAO–19–264).

3 **SEC. 4406. TRANSPORTATION OF HORSES.**

4 Section 80502 of title 49, United States Code, is
5 amended—

6 (1) in subsection (c) by striking “This section
7 does not” and inserting “Subsections (a) and (b)
8 shall not”;

9 (2) by redesignating subsection (d) as sub-
10 section (e);

11 (3) by inserting after subsection (c) the fol-
12 lowing:

13 “(d) TRANSPORTATION OF HORSES.—

14 “(1) PROHIBITION.—No person may transport,
15 or cause to be transported, a horse from a place in
16 a State, the District of Columbia, or a territory or
17 possession of the United States through or to a
18 place in another State, the District of Columbia, or
19 a territory or possession of the United States in a
20 motor vehicle containing 2 or more levels stacked on
21 top of each other.

22 “(2) MOTOR VEHICLE DEFINED.—In this sub-
23 section, the term ‘motor vehicle’—

1 “(A) means a vehicle driven or drawn by
2 mechanical power and manufactured primarily
3 for use on public highways; and

4 “(B) does not include a vehicle operated
5 exclusively on a rail or rails.”; and

6 (4) in subsection (e), as redesignated—

7 (A) by striking “A rail carrier” and insert-
8 ing the following:

9 “(1) IN GENERAL.—A rail carrier”;

10 (B) by striking “this section” and insert-
11 ing “subsection (a) or (b)”;

12 (C) by striking “On learning” and insert-
13 ing the following:

14 “(2) TRANSPORTATION OF HORSES IN MULTI-
15 LEVEL TRAILER.—

16 “(A) CIVIL PENALTY.—A person that
17 knowingly violates subsection (d) is liable to the
18 United States Government for a civil penalty of
19 at least \$100, but not more than \$500, for each
20 violation. A separate violation of subsection (d)
21 occurs for each horse that is transported, or
22 caused to be transported, in violation of sub-
23 section (d).

24 “(B) RELATIONSHIP TO OTHER LAWS.—

25 The penalty imposed under subparagraph (A)

1 shall be in addition to any penalty or remedy
2 available under any other law.

3 “(3) CIVIL ACTION.—On learning”.

4 **SEC. 4407. ADDITIONAL STATE AUTHORITY.**

5 (a) ADDITIONAL AUTHORITY.—Notwithstanding the
6 limitation in section 127(d) of title 23, United States
7 Code, if a State had in effect on or before June 1, 1991
8 a statute or regulation which placed a limitation on the
9 overall length of a longer combination vehicle consisting
10 of 3 trailers, such State may allow the operation of a
11 longer combination vehicle to accommodate a longer truck
12 tractor in such longer combination vehicle under such limi-
13 tation, if the additional tractor length is the only added
14 length to such longer combination vehicle.

15 (b) SAVINGS CLAUSE.—Nothing in this section au-
16 thorizes a State to allow an increase in the length of a
17 trailer, semitrailer, or other cargo-carrying unit of a
18 longer combination vehicle.

19 (c) LONGER COMBINATION VEHICLE DEFINED.—
20 The term “longer combination vehicle” has the meaning
21 given such term in section 127 of title 23, United States
22 Code.

1 **SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSUR-**
2 **ANCE FOR COMMERCIAL MOTOR VEHICLES.**

3 Section 31139(b) of title 49, United States Code, is
4 amended—

5 (1) in paragraph (2), by striking “\$750,000”
6 and inserting “\$2,000,000”; and

7 (2) by adding at the end the following:

8 “(3) ADJUSTMENT.—The Secretary, in con-
9 sultation with the Bureau of Labor Statistics, shall
10 adjust the minimum level of financial responsibility
11 under paragraph (2) quinquennially for inflation.”.

12 **TITLE V—INNOVATION**

13 **SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—The following amounts are au-
15 thorized to be appropriated out of the Highway Trust
16 Fund (other than the Mass Transit Account):

17 (1) HIGHWAY RESEARCH AND DEVELOPMENT
18 PROGRAM.—To carry out section 503(b) of title 23,
19 United States Code, \$144,000,000 for each of fiscal
20 years 2022 through 2025.

21 (2) TECHNOLOGY AND INNOVATION DEPLOY-
22 MENT PROGRAM.—To carry out section 503(c) of
23 title 23, United States Code, \$152,000,000 for each
24 of fiscal years 2022 through 2025.

25 (3) TRAINING AND EDUCATION.—To carry out
26 section 504 of title 23, United States Code,

1 \$26,000,000 for each of fiscal years 2022 through
2 2025.

3 (4) INTELLIGENT TRANSPORTATION SYSTEMS
4 PROGRAM.—To carry out sections 512 through 518
5 of title 23, United States Code, \$100,000,000 for
6 each of fiscal years 2022 through 2025.

7 (5) UNIVERSITY TRANSPORTATION CENTERS
8 PROGRAM.—To carry out section 5505 of title 49,
9 United States Code, \$96,000,000 for each of fiscal
10 years 2022 through 2025.

11 (6) BUREAU OF TRANSPORTATION STATIS-
12 TICS.—To carry out chapter 63 of title 49, United
13 States Code, \$27,000,000 for each of fiscal years
14 2022 through 2025.

15 (b) ADDITIONAL PROGRAMS.—The following
16 amounts are authorized to be appropriated out of the
17 Highway Trust Fund (other than the Mass Transit Ac-
18 count):

19 (1) SAFE, EFFICIENT MOBILITY THROUGH AD-
20 VANCED TECHNOLOGIES.—To carry out section
21 503(c)(4) of title 23, United States Code,
22 \$70,000,000 for each of fiscal years 2022 through
23 2025 from funds made available to carry out section
24 503(c) of such title.

1 (2) MATERIALS TO REDUCE GREENHOUSE GAS
2 EMISSIONS PROGRAM.—To carry out section 503(d)
3 of title 23, United States Code, \$10,000,000 for
4 each of fiscal years 2022 through 2025 from funds
5 made available to carry out section 503(c) of such
6 title.

7 (3) NATIONAL HIGHLY AUTOMATED VEHICLE
8 AND MOBILITY INNOVATION CLEARINGHOUSE.—To
9 carry out section 5507 of title 49, United States
10 Code, \$2,000,000 for each of fiscal years 2022
11 through 2025 from funds made available to carry
12 out sections 512 through 518 of title 23, United
13 States Code.

14 (4) NATIONAL COOPERATIVE MULTIMODAL
15 FREIGHT TRANSPORTATION RESEARCH PROGRAM.—
16 To carry out section 70205 of title 49, United
17 States Code, \$4,000,000 for each of fiscal years
18 2022 through 2025 from funds made available to
19 carry out section 503(b) of title 23, United States
20 Code.

21 (5) STATE SURFACE TRANSPORTATION SYSTEM
22 FUNDING PILOTS.—To carry out section 6020 of the
23 FAST Act (23 U.S.C. 503 note), \$35,000,000 for
24 each of fiscal years 2022 through 2025 from funds

1 made available to carry out section 503(b) of title
2 23, United States Code.

3 (6) NATIONAL SURFACE TRANSPORTATION SYS-
4 TEM FUNDING PILOT.—To carry out section 5402 of
5 this title, \$10,000,000 for each of fiscal years 2022
6 through 2025 from funds made available to carry
7 out section 503(b) of title 23, United States Code.

8 (c) ADMINISTRATION.—The Federal Highway Ad-
9 ministration shall—

10 (1) administer the programs described in para-
11 graphs (1), (2), and (3) of subsection (a) and para-
12 graph (1) of subsection (b); and

13 (2) in consultation with relevant modal adminis-
14 trations, administer the programs described in sub-
15 sections (a)(4) and (b)(2).

16 (d) TREATMENT OF FUNDS.—Funds authorized to be
17 appropriated by subsections (a) and (b) shall—

18 (1) be available for obligation in the same man-
19 ner as if those funds were apportioned under chap-
20 ter 1 of title 23, United States Code, except that the
21 Federal share of the cost of a project or activity car-
22 ried out using those funds shall be 80 percent, un-
23 less otherwise expressly provided by this title (in-
24 cluding the amendments by this title) or otherwise
25 determined by the Secretary; and

1 (2) remain available until expended and not be
2 transferable, except as otherwise provided in this
3 title.

4 **Subtitle A—Research and** 5 **Development**

6 **SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-** 7 **GRAM.**

8 (a) IN GENERAL.—Section 503 of title 23, United
9 States Code, is amended—

10 (1) in subsection (a)(2) by striking “section
11 508” and inserting “section 6503 of title 49”; and

12 (2) in subsection (b)—

13 (A) in paragraph (3)—

14 (i) in subparagraph (A)—

15 (I) in clause (ii) by striking “;
16 and” and inserting a semicolon;

17 (II) in clause (iii) by striking the
18 period and inserting “; and”; and

19 (III) by adding at the end the
20 following:

21 “(iv) to reduce greenhouse gas emis-
22 sions and limit the effects of climate
23 change.”; and

24 (ii) by striking subparagraphs (D)
25 and (E);

1 (B) in paragraph (4)(A)—

2 (i) in clause (ii) by striking “; and”

3 and inserting a semicolon;

4 (ii) in clause (iii) by striking the pe-
5 riod and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(iv) to reduce greenhouse gas emis-
9 sions and limit the effects of climate
10 change.”;

11 (C) in paragraph (5)(A)—

12 (i) in clause (iv) by striking “; and”

13 and inserting a semicolon;

14 (ii) in clause (v) by striking the period
15 and inserting “; and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(vi) reducing greenhouse gas emis-
19 sions and limiting the effects of climate
20 change.”; and

21 (D) by adding at the end the following:

22 “(9) ANALYSIS TOOLS.—The Secretary may de-
23 velop interactive modeling tools and databases
24 that—

1 “(A) track the condition of highway assets,
2 including interchanges, and the reconstruction
3 history of such assets;

4 “(B) can be used to assess transportation
5 options;

6 “(C) allow for the monitoring and mod-
7 eling of network-level traffic flows on highways;
8 and

9 “(D) further Federal and State under-
10 standing of the importance of national and re-
11 gional connectivity and the need for long-dis-
12 tance and interregional passenger and freight
13 travel by highway and other surface transpor-
14 tation modes.

15 “(10) PERFORMANCE MANAGEMENT DATA SUP-
16 PORT PROGRAM.—

17 “(A) PERFORMANCE MANAGEMENT DATA
18 SUPPORT.—The Administrator of the Federal
19 Highway Administration shall develop, use, and
20 maintain data sets and data analysis tools to
21 assist metropolitan planning organizations,
22 States, and the Federal Highway Administra-
23 tion in carrying out performance management
24 analyses (including the performance manage-
25 ment requirements under section 150).

1 “(B) INCLUSIONS.—The data analysis ac-
2 tivities authorized under subparagraph (A) may
3 include—

4 “(i) collecting and distributing vehicle
5 probe data describing traffic on Federal-
6 aid highways;

7 “(ii) collecting household travel behav-
8 ior data to assess local and cross-jurisdic-
9 tional travel, including to accommodate ex-
10 ternal and through travel;

11 “(iii) enhancing existing data collec-
12 tion and analysis tools to accommodate
13 performance measures, targets, and related
14 data, so as to better understand trip origin
15 and destination, trip time, and mode;

16 “(iv) enhancing existing data analysis
17 tools to improve performance predictions
18 and travel models in reports described in
19 section 150(e);

20 “(v) developing tools—

21 “(I) to improve performance
22 analysis; and

23 “(II) to evaluate the effects of
24 project investments on performance;

1 “(vi) assisting in the development or
2 procurement of the transportation system
3 access data under section 1403(g) of the
4 INVEST in America Act; and

5 “(vii) developing tools and acquiring
6 data described under paragraph (9).

7 “(C) FUNDING.—The Administrator of the
8 Federal Highway Administration may use up to
9 \$15,000,000 for each of fiscal years 2022
10 through 2025 to carry out this paragraph.”.

11 (b) REPEAL.—Section 6028 of the FAST Act (23
12 U.S.C. 150 note), and the item relating to such section
13 in the table of contents in section 1(b) of such Act, are
14 repealed.

15 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS**
16 **EMISSIONS PROGRAM.**

17 Section 503 of title 23, United States Code, as
18 amended by section 5101, is further amended by adding
19 at the end the following:

20 “(d) MATERIALS TO REDUCE GREENHOUSE GAS
21 EMISSIONS PROGRAM.—

22 “(1) IN GENERAL.—Not later than 6 months
23 after the date of enactment of this subsection, the
24 Secretary shall establish and implement a program
25 under which the Secretary shall award grants to eli-

1 gible entities to research and support the develop-
2 ment of materials that will reduce or sequester the
3 amount of greenhouse gas emissions generated dur-
4 ing the production of highway materials and the
5 construction of highways.

6 “(2) ACTIVITIES.—The Secretary shall ensure
7 that the program, at a minimum—

8 “(A) carries out research to determine the
9 materials proven to most effectively reduce or
10 sequester greenhouse gas emissions;

11 “(B) evaluates and improves the ability of
12 materials to most effectively reduce or sequester
13 greenhouse gas emissions; and

14 “(C) supports the development and deploy-
15 ment of materials that will reduce or sequester
16 greenhouse gas emissions.

17 “(3) COMPETITIVE SELECTION PROCESS.—

18 “(A) APPLICATIONS.—To be eligible to re-
19 ceive a grant under this subsection, an eligible
20 entity shall submit to the Secretary an applica-
21 tion in such form and containing such informa-
22 tion as the Secretary may require.

23 “(B) CONSIDERATION.—In making grants
24 under this subsection, the Secretary shall con-
25 sider the degree to which applicants presently

1 carry out research on materials that reduce or
2 sequester greenhouse gas emissions.

3 “(C) SELECTION CRITERIA.—The Sec-
4 retary may make grants under this subsection
5 to any eligible entity based on the demonstrated
6 ability of the applicant to fulfill the activities
7 described in paragraph (2).

8 “(D) TRANSPARENCY.—

9 “(i) IN GENERAL.—The Secretary
10 shall provide to each eligible entity submit-
11 ting an application under this subsection,
12 upon request, any materials, including cop-
13 ies of reviews (with any information that
14 would identify a reviewer redacted), used
15 in the evaluation process of the application
16 of such entity.

17 “(ii) REPORTS.—The Secretary shall
18 submit to the Committee on Transpor-
19 tation and Infrastructure of the House of
20 Representatives and the Committee on En-
21 vironment and Public Works of the Senate
22 a report describing the overall review proc-
23 ess for a grant under this subsection, in-
24 cluding—

1 “(I) specific criteria of evaluation
2 used in the review;

3 “(II) descriptions of the review
4 process; and

5 “(III) explanations of the grants
6 awarded.

7 “(4) GRANTS.—

8 “(A) RESTRICTIONS.—

9 “(i) IN GENERAL.—For each fiscal
10 year, a grant made available under this
11 subsection shall be not greater than
12 \$4,000,000 and not less than \$2,000,000
13 per recipient.

14 “(ii) LIMITATION.—An eligible entity
15 may only receive 1 grant in a fiscal year
16 under this subsection.

17 “(B) MATCHING REQUIREMENTS.—

18 “(i) IN GENERAL.—As a condition of
19 receiving a grant under this subsection, a
20 grant recipient shall match 50 percent of
21 the amounts made available under the
22 grant.

23 “(ii) SOURCES.—The matching
24 amounts referred to in clause (i) may in-

1 clude amounts made available to the recipi-
2 ent under—

3 “(I) section 504(b); or

4 “(II) section 505.

5 “(5) PROGRAM COORDINATION.—

6 “(A) IN GENERAL.—The Secretary shall—

7 “(i) coordinate the research, edu-
8 cation, and technology transfer activities
9 carried out by grant recipients under this
10 subsection;

11 “(ii) disseminate the results of that
12 research through the establishment and op-
13 eration of a publicly accessible online infor-
14 mation clearinghouse; and

15 “(iii) to the extent practicable, sup-
16 port the deployment and commercial adop-
17 tion of effective materials researched or de-
18 veloped under this subsection to relevant
19 stakeholders.

20 “(B) ANNUAL REVIEW AND EVALUA-
21 TION.—Not later than 2 years after the date of
22 enactment of this subsection, and not less fre-
23 quently than annually thereafter, the Secretary
24 shall, consistent with the activities in paragraph
25 (3)—

1 “(i) review and evaluate the programs
2 carried out under this subsection by grant
3 recipients, describing the effectiveness of
4 the program in identifying materials that
5 reduce or sequester greenhouse gas emis-
6 sions;

7 “(ii) submit to the Committee on
8 Transportation and Infrastructure of the
9 House of Representatives and the Com-
10 mittee on Environment and Public Works
11 of the Senate a report describing such re-
12 view and evaluation; and

13 “(iii) make the report in clause (ii)
14 available to the public on a website.

15 “(6) LIMITATION ON AVAILABILITY OF
16 AMOUNTS.—Amounts made available to carry out
17 this subsection shall remain available for obligation
18 by the Secretary for a period of 3 years after the
19 last day of the fiscal year for which the amounts are
20 authorized.

21 “(7) INFORMATION COLLECTION.—Any survey,
22 questionnaire, or interview that the Secretary deter-
23 mines to be necessary to carry out reporting require-
24 ments relating to any program assessment or evalua-
25 tion activity under this subsection, including cus-

1 tomer satisfaction assessments, shall not be subject
2 to chapter 35 of title 44.

3 “(8) DEFINITION OF ELIGIBLE ENTITY.—In
4 this subsection, the term ‘eligible entity’ means a
5 nonprofit institution of higher education, as such
6 term is defined in section 101 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1001).”.

8 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
9 **MENT 5-YEAR STRATEGIC PLAN.**

10 Section 6503 of title 49, United States Code, is
11 amended—

12 (1) in subsection (a) by striking “The Sec-
13 retary” and inserting “For the period of fiscal years
14 2017 through 2021, and for each 5-year period
15 thereafter, the Secretary”;

16 (2) in subsection (c)(1)—

17 (A) in subparagraph (D) by inserting “and
18 the existing transportation system” after “in-
19 frastructure”;

20 (B) in subparagraph (E) by striking “;
21 and” and inserting a semicolon;

22 (C) by amending subparagraph (F) to read
23 as follows:

24 “(F) reducing greenhouse gas emissions;
25 and”;

1 (D) by adding at the end the following:

2 “(G) developing and maintaining a diverse
3 workforce in transportation sectors;”; and

4 (3) in subsection (d) by striking “not later than
5 December 31, 2016,” and inserting “not later than
6 December 31, 2021,”.

7 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
8 **GRAM.**

9 Section 5505 of title 49, United States Code, is
10 amended—

11 (1) in subsection (b)(4)—

12 (A) in subparagraph (A) by striking “re-
13 search priorities identified in chapter 65.” and
14 inserting the following: “following research pri-
15 orities:

16 “(i) Improving the mobility of people
17 and goods.

18 “(ii) Reducing congestion.

19 “(iii) Promoting safety.

20 “(iv) Improving the durability and ex-
21 tending the life of transportation infra-
22 structure and the existing transportation
23 system.

24 “(v) Preserving the environment.

1 “(vi) Reducing greenhouse gas emis-
2 sions.”; and

3 (B) in subparagraph (B)—

4 (i) by striking “Technology and” and
5 inserting “Technology,”; and

6 (ii) by inserting “, the Associate Ad-
7 ministrator for Research, Demonstration,
8 and Innovation and Administrator of the
9 Federal Transit Administration,” after
10 “Federal Highway Administration”;

11 (2) in subsection (c)—

12 (A) in paragraph (1)—

13 (i) by striking “Not later than 1 year
14 after the date of enactment of this sec-
15 tion,” and inserting the following:

16 “(A) SELECTION OF GRANTS.—Not later
17 than 1 year after the date of enactment of the
18 INVEST in America Act,”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(B) LIMITATIONS.—A grant under this
22 subsection may not include a cooperative agree-
23 ment described in section 6305 of title 31.”;

24 (B) in paragraph (2)—

1 (i) in subparagraph (A) by striking “5
2 consortia” and inserting “6 consortia”;

3 (ii) in subparagraph (B)—

4 (I) in clause (i) by striking “not
5 greater than \$4,000,000 and not less
6 than \$2,000,000” and inserting “not
7 greater than \$4,250,000 and not less
8 than \$2,250,000”; and

9 (II) in clause (ii) by striking
10 “section 6503(e)” and inserting “sub-
11 section (b)(4)(A)”;

12 (iii) in subparagraph (C) by striking
13 “100 percent” and inserting “50 percent”;
14 and

15 (iv) by adding at the end the fol-
16 lowing:

17 “(D) REQUIREMENT.—In awarding grants
18 under this section, the Secretary shall award 1
19 grant to a national consortia for each focus
20 area described in subsection (b)(4)(A).”;

21 (C) in paragraph (3)—

22 (i) in subparagraph (C) by striking
23 “not greater than \$3,000,000 and not less
24 than \$1,500,000” and inserting “not

1 greater than \$3,250,000 and not less than
2 \$1,750,000”;

3 (ii) in subparagraph (D)(i) by striking
4 “100 percent” and inserting “50 percent”;
5 and

6 (iii) by striking subparagraph (E);
7 and

8 (D) in paragraph (4)—

9 (i) in subparagraph (A) by striking
10 “greater than \$2,000,000 and not less
11 than \$1,000,000” and inserting “greater
12 than \$2,250,000 and not less than
13 \$1,250,000”; and

14 (ii) by striking subparagraph (C) and
15 inserting the following:

16 “(C) REQUIREMENTS.—In awarding
17 grants under this paragraph, the Secretary
18 shall—

19 “(i) consider consortia that include in-
20 stitutions that have demonstrated an abil-
21 ity in transportation-related research; and

22 “(ii) award not less than 2 grants
23 under this section to minority institutions,
24 as such term is defined in section 365 of

1 the Higher Education Act of 1965 (20
2 U.S.C. 1067k).

3 “(D) FOCUSED RESEARCH.—

4 “(i) IN GENERAL.—In awarding
5 grants under this section, the Secretary
6 shall select not less than 1 grant recipient
7 with each of the following focus areas:

8 “(I) Transit.

9 “(II) Connected and automated
10 vehicle technology.

11 “(III) Non-motorized transpor-
12 tation, including bicycle and pedes-
13 trian safety.

14 “(IV) Transportation planning,
15 including developing metropolitan
16 planning practices to meet the consid-
17 erations described in section 134(c)(4)
18 of title 23 and section 5303(c)(4).

19 “(V) The surface transportation
20 workforce, including—

21 “(aa) current and future
22 workforce needs and challenges;
23 and

1 “(bb) the impact of tech-
2 nology on the transportation sec-
3 tor.

4 “(VI) Climate change mitigation,
5 including—

6 “(aa) researching the types
7 of transportation projects that
8 are expected to provide the most
9 significant greenhouse gas emis-
10 sions reductions from the surface
11 transportation sector; and

12 “(bb) researching the types
13 of transportation projects that
14 are not expected to provide sig-
15 nificant greenhouse gas emissions
16 reductions from the surface
17 transportation sector.

18 “(VII) Rail.

19 “(ii) ADDITIONAL GRANTS.—In
20 awarding grants under this section and
21 after awarding grants pursuant to clause
22 (i), the Secretary may award any remain-
23 ing grants to any grant recipient based on
24 the criteria described in subsection
25 (b)(4)(A).

1 “(E) CONSIDERATIONS FOR SELECTED IN-
2 STITUTIONS.—

3 “(i) IN GENERAL.—Tier 1 transpor-
4 tation centers awarded a grant under this
5 paragraph with a focus area described in
6 subparagraph (D)(i)(IV) shall consider the
7 following areas for research:

8 “(I) strategies to address climate
9 change mitigation and impacts de-
10 scribed in section 134(i)(2)(I)(ii) of
11 title 23 and the incorporation of such
12 strategies into long range transpor-
13 tation plan; and

14 “(II) preparation of a vulner-
15 ability assessment described in section
16 134(i)(2)(I)(iii) of title 23.

17 “(ii) ACTIVITIES.—A tier 1 transpor-
18 tation center receiving a grant under this
19 section with a focus area described in sub-
20 paragraph (D)(i)(IV) may—

21 “(I) establish best practices;

22 “(II) develop modeling tools; and

23 “(III) carry out other activities
24 and develop technology that addresses

1 the planning considerations described
2 in clause (i).

3 “(iii) LIMITATION.—Research under
4 this subparagraph shall focus on metropoli-
5 tan planning organizations that represent
6 urbanized areas with populations of
7 200,000 or fewer.”;

8 (3) in subsection (d)(3) by striking “fiscal years
9 2016 through 2020” and inserting “fiscal years
10 2022 through 2025”;

11 (4) by redesignating subsection (f) as sub-
12 section (g); and

13 (5) by inserting after subsection (e) the fol-
14 lowing:

15 “(f) SURPLUS AMOUNTS.—

16 “(1) IN GENERAL.—Amounts made available to
17 the Secretary to carry out this section that remain
18 unobligated after awarding grants under subsection
19 (c) shall be made available under the unsolicited re-
20 search initiative under section 5506.

21 “(2) LIMITATION ON AMOUNTS.—Amounts
22 under paragraph (1) shall not exceed \$2,000,000 for
23 any given fiscal year.”.

1 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

2 (a) IN GENERAL.—Subchapter I of chapter 55 of title
3 49, United States Code, is amended by adding at the end
4 the following:

5 **“§ 5506. Unsolicited research initiative**

6 “(a) IN GENERAL.—Not later than 180 days after
7 the date of enactment of this section, the Secretary shall
8 establish a program under which an eligible entity may
9 at any time submit unsolicited research proposals for
10 funding under this section.

11 “(b) CRITERIA.—A research proposal submitted
12 under subsection (a) shall meet the purposes of the Sec-
13 retary’s 5-year transportation research and development
14 strategic plan described in section 6503(c)(1).

15 “(c) PROJECT REVIEW.—Not later than 90 days
16 after an eligible entity submits a proposal under sub-
17 section (a), the Secretary shall—

18 “(1) review the research proposal submitted
19 under subsection (a);

20 “(2) evaluate such research proposal relative to
21 the criteria described in subsection (b);

22 “(3) provide to such eligible entity a written no-
23 tice that—

24 “(A) if the research proposal is not se-
25 lected for funding under this section—

1 “(i) notifies the eligible entity that the
2 research proposal has not been selected for
3 funding;

4 “(ii) provides an explanation as to
5 why the research proposal was not se-
6 lected, including if the research proposal
7 does not cover an area of need; and

8 “(iii) if applicable, recommends that
9 the research proposal be submitted to an-
10 other research program; and

11 “(B) if the research proposal is selected for
12 funding under this section, notifies the eligible
13 entity that the research proposal has been se-
14 lected for funding; and

15 “(4) fund the proposals described in paragraph
16 (3)(B).

17 “(d) REPORT.—Not later than 18 months after the
18 date of enactment of this section, and annually thereafter,
19 the Secretary shall make available to the public on a public
20 website a report on the progress and findings of the pro-
21 gram established under subsection (a).

22 “(e) FEDERAL SHARE.—

23 “(1) IN GENERAL.—The Federal share of the
24 cost of an activity carried out under this section may
25 not exceed 50 percent.

1 “(2) NON-FEDERAL SHARE.—All costs directly
2 incurred by the non-Federal partners, including per-
3 sonnel, travel, facility, and hardware development
4 costs, shall be credited toward the non-Federal share
5 of the cost of an activity carried out under this sec-
6 tion.

7 “(f) FUNDING.—

8 “(1) IN GENERAL.—Of the funds made avail-
9 able to carry out the university transportation cen-
10 ters program under section 5505, \$2,000,000 shall
11 be available for each of fiscal years 2022 through
12 2025 to carry out this section.

13 “(2) FUNDING FLEXIBILITY.—

14 “(A) IN GENERAL.—For fiscal years 2022
15 through 2025, funds made available under
16 paragraph (1) shall remain available until ex-
17 pended.

18 “(B) UNCOMMITTED FUNDS.—If the Sec-
19 retary determines, at the end of a fiscal year,
20 funds under paragraph (1) remain unexpended
21 as a result of a lack of meritorious projects
22 under this section, the Secretary may, for the
23 following fiscal year, make remaining funds
24 available under either this section or under sec-
25 tion 5505.

1 “(g) ELIGIBLE ENTITY DEFINED.—In this section,
2 the term ‘eligible entity’ means

3 “(1) a State;

4 “(2) a unit of local government;

5 “(3) a transit agency;

6 “(4) any nonprofit institution of higher edu-
7 cation, including a university transportation center
8 under section 5505; and

9 “(5) a nonprofit organization.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 55 of title 49, United States Code, is amended by in-
12 serting after the item relating to section 5505 the fol-
13 lowing new item:

“5506. Unsolicited research initiative.”.

14 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL**
15 **FREIGHT TRANSPORTATION RESEARCH PRO-**
16 **GRAM.**

17 (a) IN GENERAL.—Chapter 702 of title 49, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 70205. National cooperative multimodal freight**
21 **transportation research program**

22 “(a) ESTABLISHMENT.—Not later than 1 year after
23 the date of enactment of this section, the Secretary shall
24 establish and support a national cooperative multimodal
25 freight transportation research program.

1 “(b) AGREEMENT.—Not later than 6 months after
2 the date of enactment of this section, the Secretary shall
3 seek to enter into an agreement with the National Acad-
4 emy of Sciences to support and carry out administrative
5 and management activities relating to the governance of
6 the national cooperative multimodal freight transportation
7 research program.

8 “(c) ADVISORY COMMITTEE.—In carrying out the
9 agreement described in subsection (b), the National Acad-
10 emy of Sciences shall select a multimodal freight transpor-
11 tation research advisory committee consisting of
12 multimodal freight stakeholders, including, at a min-
13 imum—

14 “(1) a representative of the Department of
15 Transportation;

16 “(2) representatives of any other Federal agen-
17 cies relevant in supporting the nation’s multimodal
18 freight transportation research needs;

19 “(3) a representative of a State department of
20 transportation;

21 “(4) a representative of a local government
22 (other than a metropolitan planning organization);

23 “(5) a representative of a metropolitan planning
24 organization;

25 “(6) a representative of the trucking industry;

1 “(7) a representative of the railroad industry;

2 “(8) a representative of the port industry;

3 “(9) a representative of logistics industry;

4 “(10) a representative of shipping industry;

5 “(11) a representative of a safety advocacy
6 group with expertise in freight transportation;

7 “(12) an academic expert on multimodal freight
8 transportation;

9 “(13) an academic expert on the contributions
10 of freight movement to greenhouse gas emissions;
11 and

12 “(14) representatives of labor organizations
13 representing workers in freight transportation.

14 “(d) ELEMENTS.—The national cooperative
15 multimodal freight transportation research program estab-
16 lished under this section shall include the following ele-
17 ments:

18 “(1) NATIONAL RESEARCH AGENDA.—The advi-
19 sory committee under subsection (c), in consultation
20 with interested parties, shall recommend a national
21 research agenda for the program established in this
22 section.

23 “(2) INVOLVEMENT.—Interested parties may—

24 “(A) submit research proposals to the advi-
25 sory committee;

1 “(B) participate in merit reviews of re-
2 search proposals and peer reviews of research
3 products; and

4 “(C) receive research results.

5 “(3) OPEN COMPETITION AND PEER REVIEW OF
6 RESEARCH PROPOSALS.—The National Academy of
7 Sciences may award research contracts and grants
8 under the program through open competition and
9 merit review conducted on a regular basis.

10 “(4) EVALUATION OF RESEARCH.—

11 “(A) PEER REVIEW.—Research contracts
12 and grants under the program may allow peer
13 review of the research results.

14 “(B) PROGRAMMATIC EVALUATIONS.—The
15 National Academy of Sciences shall conduct
16 periodic programmatic evaluations on a regular
17 basis of research contracts and grants.

18 “(5) DISSEMINATION OF RESEARCH FIND-
19 INGS.—

20 “(A) IN GENERAL.—The National Acad-
21 emy of Sciences shall disseminate research find-
22 ings to researchers, practitioners, and decision-
23 makers, through conferences and seminars, field
24 demonstrations, workshops, training programs,
25 presentations, testimony to government offi-

1 cials, a public website for the National Academy
2 of Sciences, publications for the general public,
3 and other appropriate means.

4 “(B) REPORT.—Not more than 18 months
5 after the date of enactment of this section, and
6 annually thereafter, the Secretary shall make
7 available on a public website a report that de-
8 scribes the ongoing research and findings of the
9 program.

10 “(e) CONTENTS.—The national research agenda
11 under subsection (d)(1) shall include—

12 “(1) techniques and tools for estimating and
13 identifying both quantitative and qualitative public
14 benefits derived from multimodal freight transpor-
15 tation projects, including—

16 “(A) greenhouse gas emissions reduction;

17 “(B) congestion reduction; and

18 “(C) safety benefits;

19 “(2) the impact of freight delivery vehicles, in-
20 cluding trucks, railcars, and non-motorized vehicles,
21 on congestion in urban and rural areas;

22 “(3) the impact of both centralized and dis-
23 parate origins and destinations on freight movement;

24 “(4) the impacts of increasing freight volumes
25 on transportation planning, including—

1 “(A) first-mile and last-mile challenges to
2 multimodal freight movement;

3 “(B) multimodal freight travel in both
4 urban and rural areas; and

5 “(C) commercial motor vehicle parking and
6 rest areas;

7 “(5) the effects of Internet commerce and accel-
8 erated delivery speeds on freight movement and in-
9 creased commercial motor vehicle volume, including
10 impacts on—

11 “(A) safety on public roads;

12 “(B) congestion in both urban and rural
13 areas;

14 “(C) first-mile and last-mile challenges and
15 opportunities;

16 “(D) the environmental impact of freight
17 transportation, including on air quality and on
18 greenhouse gas emissions; and

19 “(E) vehicle miles-traveled by freight-deliv-
20 ering vehicles;

21 “(6) the impacts of technological advancements
22 in freight movement, including impacts on—

23 “(A) congestion in both urban and rural
24 areas;

1 “(B) first-mile and last-mile challenges
2 and opportunities; and

3 “(C) vehicle miles-traveled;

4 “(7) methods and best practices for aligning
5 multimodal infrastructure improvements with
6 multimodal freight transportation demand, including
7 improvements to the National Multimodal Freight
8 Network under section 70103; and

9 “(8) other research areas to identify and ad-
10 dress current, emerging, and future needs related to
11 multimodal freight transportation.

12 “(f) FUNDING.—

13 “(1) FEDERAL SHARE.—The Federal share of
14 the cost of an activity carried out under this section
15 shall be 100 percent.

16 “(2) PERIOD OF AVAILABILITY.—Amounts
17 made available to carry out this section shall remain
18 available until expended.

19 “(g) DEFINITION OF GREENHOUSE GAS.—In this
20 section, the term ‘greenhouse gas’ has the meaning given
21 such term in section 211(o)(1) of the Clean Air Act (42
22 U.S.C. 7545(o)(1)).”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 702 of title 49, United States Code, is amended by
25 adding at the end the following new item:

“70205. National cooperative multimodal freight transportation research program.”.

1 **SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND**
2 **HABITAT CONNECTIVITY IMPROVEMENT.**

3 (a) STUDY.—

4 (1) IN GENERAL.—The Secretary of Transpor-
5 tation shall conduct a study examining methods to
6 reduce collisions between motorists and wildlife (re-
7 ferred to in this section as “wildlife-vehicle colli-
8 sions”).

9 (2) CONTENTS.—

10 (A) AREAS OF STUDY.—The study re-
11 quired under paragraph (1) shall—

12 (i) update and expand on, as appro-
13 priate—

14 (I) the report titled “Wildlife Ve-
15 hicle Collision Reduction Study: 2008
16 Report to Congress”: and

17 (II) the document titled “Wildlife
18 Vehicle Collision Reduction Study:
19 Best Practices Manual” and dated
20 October 2008; and

21 (ii) include—

22 (I) an assessment, as of the date
23 of the study, of—

1 (aa) the causes of wildlife-
2 vehicle collisions;

3 (bb) the impact of wildlife-
4 vehicle collisions on motorists
5 and wildlife; and

6 (cc) the impacts of roads
7 and traffic on habitat
8 connectivity for terrestrial and
9 aquatic species; and

10 (II) solutions and best practices
11 for—

12 (aa) reducing wildlife-vehicle
13 collisions; and

14 (bb) improving habitat
15 connectivity for terrestrial and
16 aquatic species.

17 (B) METHODS.—In carrying out the study
18 required under paragraph (1), the Secretary
19 shall—

20 (i) conduct a thorough review of re-
21 search and data relating to—

22 (I) wildlife-vehicle collisions; and

23 (II) habitat fragmentation that
24 results from transportation infrastruc-
25 ture;

1 (ii) survey current practices of the
2 Department of Transportation and State
3 departments of transportation to reduce
4 wildlife-vehicle collisions; and

5 (iii) consult with—

6 (I) appropriate experts in the
7 field of wildlife-vehicle collisions; and

8 (II) appropriate experts on the
9 effects of roads and traffic on habitat
10 connectivity for terrestrial and aquatic
11 species.

12 (3) REPORT.—

13 (A) IN GENERAL.—Not later than 18
14 months after the date of enactment of this Act,
15 the Secretary shall submit to Congress a report
16 on the results of the study required under para-
17 graph (1).

18 (B) CONTENTS.—The report required
19 under subparagraph (A) shall include—

20 (i) a description of—

21 (I) the causes of wildlife-vehicle
22 collisions;

23 (II) the impacts of wildlife-vehicle
24 collisions; and

1 (III) the impacts of roads and
2 traffic on—

3 (aa) species listed as threat-
4 ened species or endangered spe-
5 cies under the Endangered Spe-
6 cies Act of 1973 (16 U.S.C. 1531
7 et seq.);

8 (bb) species identified by
9 States as species of greatest con-
10 servation need;

11 (cc) species identified in
12 State wildlife plans; and

13 (dd) medium and small ter-
14 restrial and aquatic species;

15 (ii) an economic evaluation of the
16 costs and benefits of installing highway in-
17 frastructure and other measures to miti-
18 gate damage to terrestrial and aquatic spe-
19 cies, including the effect on jobs, property
20 values, and economic growth to society, ad-
21 jacent communities, and landowners;

22 (iii) recommendations for preventing
23 wildlife-vehicle collisions, including rec-
24 ommended best practices, funding re-

1 sources, or other recommendations for ad-
2 dressing wildlife-vehicle collisions; and

3 (iv) guidance to develop, for each
4 State that agrees to participate, a vol-
5 untary joint statewide transportation and
6 wildlife action plan.

7 (C) PURPOSES.—The purpose of the guid-
8 ance described in subparagraph (B)(iv) shall
9 be—

10 (i) to address wildlife-vehicle colli-
11 sions; and

12 (ii) to improve habitat connectivity for
13 terrestrial and aquatic species.

14 (D) CONSULTATION.—The Secretary shall
15 develop the guidance described under subpara-
16 graph (B)(iv) in consultation with—

17 (i) Federal land management agen-
18 cies;

19 (ii) State departments of transpor-
20 tation;

21 (iii) State fish and wildlife agencies;
22 and

23 (iv) Tribal governments.

24 (b) STANDARDIZATION OF WILDLIFE COLLISION AND
25 CARCASS DATA.—

1 (1) STANDARDIZATION METHODOLOGY.—

2 (A) IN GENERAL.—The Secretary of
3 Transportation, acting through the Adminis-
4 trator of the Federal Highway Administration,
5 shall develop a quality standardized method-
6 ology for collecting and reporting spatially accu-
7 rate wildlife collision and carcass data for the
8 National Highway System, taking into consider-
9 ation the practicability of the methodology with
10 respect to technology and cost.

11 (B) METHODOLOGY.—In developing the
12 standardized methodology under subparagraph
13 (A), the Secretary shall—

14 (i) survey existing methodologies and
15 sources of data collection, including the
16 Fatality Analysis Reporting System, the
17 General Estimates System of the National
18 Automotive Sampling System, and the
19 Highway Safety Information System; and

20 (ii) to the extent practicable, identify
21 and correct limitations of such existing
22 methodologies and sources of data collec-
23 tion.

- 1 (C) CONSULTATION.—In developing the
2 standardized methodology under subparagraph
3 (A), the Secretary shall consult with—
- 4 (i) the Secretary of the Interior;
 - 5 (ii) the Secretary of Agriculture, act-
6 ing through the Chief of the Forest Serv-
7 ice;
 - 8 (iii) Tribal, State, and local transpor-
9 tation and wildlife authorities;
 - 10 (iv) metropolitan planning organiza-
11 tions (as such term is defined in section
12 134(b) of title 23, United States Code);
 - 13 (v) members of the American Associa-
14 tion of State Highway and Transportation
15 Officials;
 - 16 (vi) members of the Association of
17 Fish and Wildlife Agencies;
 - 18 (vii) experts in the field of wildlife-ve-
19 hicle collisions;
 - 20 (viii) nongovernmental organizations;
 - 21 and
 - 22 (ix) other interested stakeholders, as
23 appropriate.

1 (2) STANDARDIZED NATIONAL DATA SYSTEM
2 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—

3 The Secretary shall—

4 (A) develop a template for State implemen-
5 tation of a standardized national wildlife colli-
6 sion and carcass data system for the National
7 Highway System that is based on the standard-
8 ized methodology developed under paragraph
9 (1); and

10 (B) encourage the voluntary implementa-
11 tion of the template developed under subpara-
12 graph (A) for States, metropolitan planning or-
13 ganizations, and additional relevant transpor-
14 tation stakeholders.

15 (3) REPORTS.—

16 (A) METHODOLOGY.—The Secretary shall
17 submit to Congress a report describing the de-
18 velopment of the standardized methodology re-
19 quired under paragraph (1) not later than—

20 (i) the date that is 18 months after
21 the date of enactment of this Act; and

22 (ii) the date that is 180 days after the
23 date on which the Secretary completes the
24 development of such standardized method-
25 ology.

1 (B) IMPLEMENTATION.—Not later than 3
2 years after the date of enactment of this Act,
3 the Secretary shall submit to Congress a report
4 describing—

5 (i) the status of the voluntary imple-
6 mentation of the standardized methodology
7 developed under paragraph (1) and the
8 template developed under paragraph
9 (2)(A);

10 (ii) whether the implementation of the
11 standardized methodology developed under
12 paragraph (1) and the template developed
13 under paragraph (2)(A) has impacted ef-
14 forts by States, units of local government,
15 and other entities—

16 (I) to reduce the number of wild-
17 life-vehicle collisions; and

18 (II) to improve habitat
19 connectivity;

20 (iii) the degree of the impact de-
21 scribed in clause (ii); and

22 (iv) the recommendations of the Sec-
23 retary, including recommendations for fur-
24 ther study aimed at reducing motorist col-
25 lisions involving wildlife and improving

1 habitat connectivity for terrestrial and
2 aquatic species on the National Highway
3 System, if any.

4 (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-
5 retary of Transportation shall—

6 (1) establish guidance, to be carried out by
7 States on a voluntary basis, that contains a thresh-
8 old for determining whether a highway shall be eval-
9 uated for potential mitigation measures to reduce
10 wildlife-vehicle collisions and increase habitat
11 connectivity for terrestrial and aquatic species, tak-
12 ing into consideration—

13 (A) the number of wildlife-vehicle collisions
14 on the highway that pose a human safety risk;

15 (B) highway-related mortality and effects
16 of traffic on the highway on—

17 (i) species listed as endangered spe-
18 cies or threatened species under the En-
19 dangered Species Act of 1973 (16 U.S.C.
20 1531 et seq.);

21 (ii) species identified by a State as
22 species of greatest conservation need;

23 (iii) species identified in State wildlife
24 plans; and

1 (iv) medium and small terrestrial and
2 aquatic species; and

3 (C) habitat connectivity values for terres-
4 trial and aquatic species and the barrier effect
5 of the highway on the movements and migra-
6 tions of those species.

7 (d) WORKFORCE DEVELOPMENT AND TECHNICAL
8 TRAINING.—

9 (1) IN GENERAL.—Not later than 3 years after
10 the date of enactment of this Act, the Secretary
11 shall, based on the study conducted under subsection
12 (a), develop a series of in-person and online work-
13 force development and technical training courses—

14 (A) to reduce wildlife-vehicle collisions; and

15 (B) to improve habitat connectivity for ter-
16 restrial and aquatic species.

17 (2) AVAILABILITY.—The Secretary shall—

18 (A) make the series of courses developed
19 under paragraph (1) available for transpor-
20 tation and fish and wildlife professionals; and

21 (B) update the series of courses not less
22 frequently than once every 2 years.

23 (e) WILDLIFE HABITAT CONNECTIVITY AND NA-
24 TIONAL BRIDGE AND TUNNEL INVENTORY AND INSPEC-

1 TION STANDARDS.—Section 144 of title 23, United States
2 Code, is amended in subsection (a)(2)—

3 (1) in subparagraph (B) by inserting “, resil-
4 ience,” after “safety”;

5 (2) in subparagraph (D) by striking “and” at
6 the end;

7 (3) in subparagraph (E) by striking the period
8 at the end and inserting “; and”; and

9 (4) by adding at the end the following:

10 “(F) to ensure adequate passage of aquatic
11 and terrestrial species, where appropriate.”;

12 **SEC. 5108. RESEARCH ACTIVITIES.**

13 Section 330(g) of title 49, United States Code, is
14 amended by striking “each of fiscal years 2016 through
15 2020” and inserting “each of fiscal years 2022 through
16 2025”.

17 **SEC. 5109. INNOVATIVE MATERIAL INNOVATION HUBS.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—The Secretary of Transpor-
20 tation shall carry out a program to enhance the de-
21 velopment of innovative materials in the United
22 States by making awards to consortia for estab-
23 lishing and operating Hubs (to be known as “Inno-
24 vative Material Innovation Hubs”) to conduct and
25 support multidisciplinary, collaborative research, de-

1 velopment, demonstration, standardized design de-
2 velopment, and commercial application of innovative
3 materials.

4 (2) COORDINATION.—The Secretary shall en-
5 sure the coordination of, and avoid duplication of,
6 the activities of each Hub with the activities of—

7 (A) other research entities of the Depart-
8 ment of Transportation, including the Federal
9 Highway Administration; and

10 (B) research entities of other Federal
11 agencies, as appropriate.

12 (b) COMPETITIVE SELECTION PROCESS.—

13 (1) ELIGIBILITY.—To be eligible to receive an
14 award for the establishment and operation of a Hub
15 under subsection (a)(1), a consortium shall—

16 (A) be composed of not fewer than 2 quali-
17 fying entities;

18 (B) operate subject to a binding agree-
19 ment, entered into by each member of the con-
20 sortium, that documents—

21 (i) the proposed partnership agree-
22 ment, including the governance and man-
23 agement structure of the Hub;

24 (ii) measures the consortium will un-
25 dertake to enable cost-effective implemen-

1 tation of activities under the program de-
2 scribed in subsection (a)(1); and

3 (iii) a proposed budget, including fi-
4 nancial contributions from non-Federal
5 sources; and

6 (C) operate as a nonprofit organization.

7 (2) APPLICATION.—

8 (A) IN GENERAL.—A consortium seeking
9 to establish and operate a Hub under sub-
10 section (a)(1) shall submit to the Secretary an
11 application at such time, in such manner, and
12 containing such information as the Secretary
13 may require, including a detailed description
14 of—

15 (i) each element of the consortium
16 agreement required under paragraph
17 (1)(B); and

18 (ii) any existing facilities the Consor-
19 tium intends to use for Hub activities.

20 (B) REQUIREMENT.—If the consortium
21 members will not be located at 1 centralized lo-
22 cation, the application under subparagraph (A)
23 shall include a communications plan that en-
24 sures close coordination and integration of Hub
25 activities.

1 (3) SELECTION.—

2 (A) IN GENERAL.—The Secretary shall se-
3 lect consortia for awards for the establishment
4 and operation of Hubs through a competitive
5 selection process.

6 (B) CONSIDERATIONS.—In selecting con-
7 sortia under subparagraph (A), the Secretary
8 shall consider—

9 (i) any existing facilities a consortium
10 has identified to be used for Hub activities;

11 (ii) maintaining geographic diversity
12 in locations of selected Hubs;

13 (iii) the demonstrated ability of the
14 recipient to conduct and support multi-
15 disciplinary, collaborative research, devel-
16 opment, demonstration, standardized de-
17 sign development, and commercial applica-
18 tion of innovative materials;

19 (iv) the demonstrated research, tech-
20 nology transfer, and education resources
21 available to the recipient to carry out this
22 section;

23 (v) the ability of the recipient to pro-
24 vide leadership in solving immediate and
25 long-range national and regional transpor-

1 tation problems related to innovative mate-
2 rials;

3 (vi) the demonstrated ability of the re-
4 cipient to disseminate results and spur the
5 implementation of transportation research
6 and education programs through national
7 or statewide continuing education pro-
8 grams;

9 (vii) the demonstrated commitment of
10 the recipient to the use of peer review prin-
11 ciples and other research best practices in
12 the selection, management, and dissemina-
13 tion of research projects;

14 (viii) the performance metrics to be
15 used in assessing the performance of the
16 recipient in meeting the stated research,
17 technology transfer, education, and out-
18 reach goals; and

19 (ix) the ability of the recipient to im-
20 plement the proposed program in a cost-ef-
21 ficient manner, including through cost
22 sharing and overall reduced overhead, fa-
23 cilities, and administrative costs.

24 (4) TRANSPARENCY.—

1 (A) IN GENERAL.—The Secretary shall
2 provide to each applicant, upon request, any
3 materials, including copies of reviews (with any
4 information that would identify a reviewer re-
5 dacted), used in the evaluation process of the
6 proposal of the applicant.

7 (B) REPORTS.—The Secretary shall sub-
8 mit to the Committee on Transportation and
9 Infrastructure of the House of Representatives
10 and the Committee on Environment and Public
11 Works of the Senate a report describing the
12 overall review process under paragraph (2),
13 given the considerations under paragraph (3),
14 that includes—

15 (i) specific criteria of evaluation used
16 in the review;

17 (ii) descriptions of the review process;
18 and

19 (iii) explanations of the selected
20 awards.

21 (c) AUTHORIZATION.—There is authorized to be ap-
22 propriated to carry out this section such sums as may be
23 necessary and such sums shall remain available for a pe-
24 riod of 3 years after the last day of the fiscal year in which
25 such sums were made available.

1 (d) HUB OPERATIONS.—

2 (1) IN GENERAL.—Each Hub shall conduct, or
3 provide for, multidisciplinary, collaborative research,
4 development, demonstration, and commercial appli-
5 cation of innovative materials.

6 (2) ACTIVITIES.—Each Hub shall—

7 (A) encourage collaboration and commu-
8 nication among the member qualifying entities
9 of the consortium, as described in subsection
10 (b)(1), and awardees;

11 (B) develop and publish proposed plans
12 and programs on a publicly accessible website;

13 (C) submit to the Department of Trans-
14 portation an annual report summarizing the ac-
15 tivities of the Hub, including information—

16 (i) detailing organizational expendi-
17 tures; and

18 (ii) describing each project under-
19 taken by the Hub, as it relates to con-
20 ducting and supporting multidisciplinary,
21 collaborative research, development, dem-
22 onstration, standardized design develop-
23 ment, and commercial application of inno-
24 vative materials; and

1 (D) monitor project implementation and
2 coordination.

3 (3) CONFLICTS OF INTEREST.—Each Hub shall
4 maintain conflict of interest procedures, consistent
5 with the conflict of interest procedures of the De-
6 partment of Transportation.

7 (4) PROHIBITION ON CONSTRUCTION AND REN-
8 OVATION.—

9 (A) IN GENERAL.—No funds provided
10 under this section may be used for construction
11 or renovation of new buildings, test beds, or ad-
12 ditional facilities for Hubs.

13 (B) NON-FEDERAL SHARE.—Construction
14 of new buildings or facilities shall not be consid-
15 ered as part of the non-Federal share of a Hub
16 cost-sharing agreement.

17 (e) APPLICABILITY.—The Secretary shall administer
18 this section in accordance with section 330 of title 49,
19 United States Code.

20 (f) DEFINITIONS.—In this section:

21 (1) HUB.—The term “Hub” means an Innova-
22 tive Material Innovation Hub established under this
23 section.

24 (2) QUALIFYING ENTITY.—The term “quali-
25 fying entity” means—

1 (A) an institution of higher education (as
2 such term is defined in section 101(a) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1001(a));

5 (B) an appropriate Federal or State entity,
6 including a federally funded research and devel-
7 opment center of the Department of Transpor-
8 tation;

9 (C) a university transportation center
10 under section 5505 of title 49, United States
11 Code; and

12 (D) a research and development entity in
13 existence on the date of enactment of this Act
14 focused on innovative materials that the Sec-
15 retary determines to be similar in scope and in-
16 tent to a Hub under this section.

17 (3) INNOVATIVE MATERIAL.—The term “inno-
18 vative material”, with respect to an infrastructure
19 project, includes materials or combinations and proc-
20 esses for use of materials that enhance the overall
21 service life, sustainability, and resiliency of the
22 project or provide ancillary benefits relative to widely
23 adopted state of practice technologies, as determined
24 by the Secretary.

1 **Subtitle B—Technology**
2 **Deployment**

3 **SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT**
4 **PROGRAM.**

5 Section 503(e) of title 23, United States Code, is
6 amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (A) by inserting “,
9 while considering the impacts on jobs” after
10 “transportation community”;

11 (B) in subparagraph (D) by striking “;
12 and” and inserting a semicolon;

13 (C) in subparagraph (E) by striking the
14 period and inserting “; and”; and

15 (D) by adding at the end the following:

16 “(F) reducing greenhouse gas emissions
17 and limiting the effects of climate change.”;
18 and

19 (2) in paragraph (2)(A) by striking the period
20 and inserting “and findings from the materials to
21 reduce greenhouse gas emissions program under
22 subsection (d).”.

1 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
2 **MENT OF PAVEMENT TECHNOLOGIES.**

3 Section 503(c)(3) of title 23, United States Code, is
4 amended—

5 (1) in subparagraph (B)—

6 (A) in clause (v) by striking “; and” and
7 inserting a semicolon;

8 (B) in clause (vi) by striking the period
9 and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(vii) the deployment of innovative
12 pavement designs, materials, and practices
13 that reduce or sequester the amount of
14 greenhouse gas emissions generated during
15 the production of highway materials and
16 the construction of highways, with consid-
17 eration for findings from the materials to
18 reduce greenhouse gas emissions program
19 under subsection (d).”;

20 (2) in subparagraph (C) by striking “fiscal
21 years 2016 through 2020” and inserting “fiscal
22 years 2022 through 2025”; and

23 (3) in subparagraph (D)(ii)—

24 (A) in subclause (III) by striking “; and”
25 and inserting a semicolon;

1 (B) in subclause (IV) by striking the pe-
2 riod and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(V) pavement monitoring and
5 data collection practices;

6 “(VI) pavement durability and
7 resilience;

8 “(VII) stormwater management;

9 “(VIII) impacts on vehicle effi-
10 ciency;

11 “(IX) the energy efficiency of the
12 production of paving materials and
13 the ability of paving materials to en-
14 hance the environment and promote
15 sustainability;

16 “(X) integration of renewable en-
17 ergy in pavement designs; and

18 “(XI) greenhouse gas emissions
19 reduction, including findings from the
20 materials to reduce greenhouse gas
21 emissions program under subsection
22 (d).”.

1 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
2 **DAY COUNTS INITIATIVE.**

3 (a) IN GENERAL.—Chapter 5 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 520. Every Day Counts initiative**

7 “(a) IN GENERAL.—It is in the national interest for
8 the Department of Transportation, State departments of
9 transportation, and all other recipients of Federal surface
10 transportation funds—

11 “(1) to identify, accelerate, and deploy innova-
12 tion aimed at expediting project delivery;

13 “(2) enhancing the safety of the roadways of
14 the United States, and protecting the environment;

15 “(3) to ensure that the planning, design, engi-
16 neering, construction, and financing of transpor-
17 tation projects is done in an efficient and effective
18 manner;

19 “(4) to promote the rapid deployment of proven
20 solutions that provide greater accountability for pub-
21 lic investments and encourage greater private sector
22 involvement; and

23 “(5) to create a culture of innovation within the
24 highway community.

25 “(b) EVERY DAY COUNTS INITIATIVE.—To advance
26 the policy described in subsection (a), the Administrator

1 of the Federal Highway Administration shall continue the
2 Every Day Counts initiative to work with States, local
3 transportation agencies, all other recipients of Federal
4 surface transportation funds, and industry stakeholders,
5 including labor representatives, to identify and deploy
6 proven innovative practices and products that—

7 “(1) accelerate innovation deployment;

8 “(2) expedite the project delivery process;

9 “(3) improve environmental sustainability;

10 “(4) enhance roadway safety;

11 “(5) reduce congestion; and

12 “(6) reduce greenhouse gas emissions.

13 “(c) CONSIDERATIONS.—In carrying out the Every
14 Day Counts initiative, the Administrator shall consider
15 any innovative practices and products in accordance with
16 subsections (a) and (b), including—

17 “(1) research results from the university trans-
18 portation centers program under section 5505 of
19 title 49; and

20 “(2) results from the materials to reduce green-
21 house gas emissions program in section 503(d).

22 “(d) INNOVATION DEPLOYMENT.—

23 “(1) IN GENERAL.—At least every 2 years, the
24 Administrator shall work collaboratively with stake-
25 holders to identify a new collection of innovations,

1 best practices, and data to be deployed to highway
2 stakeholders through case studies, outreach, and
3 demonstration projects.

4 “(2) REQUIREMENTS.—In identifying a collec-
5 tion described in paragraph (1), the Secretary shall
6 take into account market readiness, impacts, bene-
7 fits, and ease of adoption of the innovation or prac-
8 tice.

9 “(e) PUBLICATION.—Each collection identified under
10 subsection (d) shall be published by the Administrator on
11 a publicly available website.

12 “(f) FUNDING.—The Secretary may use funds made
13 available to carry out section 503(c) to carry out this sec-
14 tion.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 5 of title 23, United States Code, is amended by add-
17 ing at the end the following new item:

“520. Every Day Counts initiative.”.

18 (c) REPEAL.—Section 1444 of the FAST Act (23
19 U.S.C. 101 note), and the item related to such section in
20 the table of contents in section 1(b) of such Act, are re-
21 pealed.

1 **Subtitle C—Emerging Technologies**

2 **SEC. 5301. SAFE, EFFICIENT MOBILITY THROUGH AD-** 3 **VANCED TECHNOLOGIES.**

4 Section 503(c)(4) of title 23, United States Code, is
5 amended—

6 (1) in subparagraph (A)—

7 (A) by striking “Not later than 6 months
8 after the date of enactment of this paragraph,
9 the” and inserting “The”;

10 (B) by striking “establish an advanced
11 transportation and congestion management
12 technologies deployment” and inserting “estab-
13 lish a safe, efficient mobility through advanced
14 technologies”;

15 (C) by inserting “mobility,” before “effi-
16 ciency,”; and

17 (D) by inserting “environmental impacts,”
18 after “system performance,”;

19 (2) in subparagraph (B)—

20 (A) by striking clause (i) and inserting the
21 following:

22 “(i) reduce costs, improve return on
23 investments, and improve person through-
24 put and mobility, including through the op-

1 timization of existing transportation capac-
2 ity;”;

3 (B) in clause (iv) by inserting “bicyclist
4 and” before “pedestrian”;

5 (C) in clause (vii) by striking “; or” and
6 inserting a semicolon;

7 (D) in clause (viii)—

8 (i) by striking “accelerate” and insert-
9 ing “prepare for”; and

10 (ii) by striking the period and insert-
11 ing “; or”; and

12 (E) by adding at the end the following:

13 “(ix) reduce greenhouse gas emissions
14 and limit the effects of climate change.”;

15 (3) in subparagraph (C)—

16 (A) in clause (ii)(II)(aa) by striking “con-
17 gestion” and inserting “congestion and delays,
18 greenhouse gas emissions”; and

19 (B) by adding at the end the following:

20 “(iii) CONSIDERATIONS.—An applica-
21 tion submitted under this paragraph may
22 include a description of how the proposed
23 project would support the national goals
24 described in section 150(b), the achieve-
25 ment of metropolitan and statewide targets

1 established under section 150(d), or the
2 improvement of transportation system ac-
3 cess consistent with section 150(f), includ-
4 ing through—

5 “(I) the congestion and on-road
6 mobile-source emissions performance
7 measure established under section
8 150(c)(5); or

9 “(II) the greenhouse gas emis-
10 sions performance measure estab-
11 lished under section 150(c)(7).”;

12 (4) in subparagraph (D) by adding at the end
13 the following:

14 “(iv) PRIORITIZATION.—In awarding
15 a grant under this paragraph, the Sec-
16 retary shall prioritize projects that, in ac-
17 cordance with the criteria described in sub-
18 paragraph (B)—

19 “(I) improve person throughput
20 and mobility, including through the
21 optimization of existing transportation
22 capacity;

23 “(II) deliver environmental bene-
24 fits;

1 “(III) reduce the number and se-
2 verity of traffic accidents and increase
3 driver, passenger, and bicyclist and
4 pedestrian safety; or

5 “(IV) reduce greenhouse gas
6 emissions.

7 “(v) GRANT DISTRIBUTION.—The
8 Secretary shall award not fewer than 3
9 grants under this paragraph based on the
10 potential of the project to reduce the num-
11 ber and severity of traffic crashes and in-
12 crease, driver, passenger, and bicyclist and
13 pedestrian safety.”;

14 (5) in subparagraph (E)—

15 (A) in clause (vi)—

16 (i) by inserting “, vehicle-to-pedes-
17 trian,” after “vehicle-to-vehicle”; and

18 (ii) by inserting “systems to improve
19 vulnerable road user safety,” before “tech-
20 nologies associated with” ; and

21 (B) in clause (ix) by inserting “, including
22 activities under section 5316 of title 49” after
23 “disabled individuals”;

24 (6) by striking subparagraph (G) and inserting
25 the following:

1 “(G) REPORTING.—

2 “(i) APPLICABILITY OF LAW.—The
3 program under this paragraph shall be
4 subject to the accountability and oversight
5 requirements in section 106(m).

6 “(ii) REPORT.—Not later than 1 year
7 after the date that the first grant is
8 awarded under this paragraph, and each
9 year thereafter, the Secretary shall make
10 available to the public on a website a re-
11 port that describes the effectiveness of
12 grant recipients in meeting their projected
13 deployment plans, including data provided
14 under subparagraph (F) on how the pro-
15 gram has—

16 “(I) reduced traffic-related fatali-
17 ties and injuries;

18 “(II) reduced traffic congestion
19 and improved travel time reliability;

20 “(III) reduced transportation-re-
21 lated emissions;

22 “(IV) optimized multimodal sys-
23 tem performance;

24 “(V) improved access to trans-
25 portation alternatives;

1 “(VI) provided the public with
2 access to real-time integrated traffic,
3 transit, and multimodal transpor-
4 tation information to make informed
5 travel decisions;

6 “(VII) provided cost savings to
7 transportation agencies, businesses,
8 and the traveling public;

9 “(VIII) created or maintained
10 transportation jobs and supported
11 transportation workers; or

12 “(IX) provided other benefits to
13 transportation users and the general
14 public.

15 “(iii) CONSIDERATIONS.—If applica-
16 ble, the Secretary shall ensure that the ac-
17 tivities described in subclauses (I) and (IV)
18 of clause (ii) reflect—

19 “(I) any information described in
20 subparagraph (C)(iii) that is included
21 by an applicant; or

22 “(II) the project prioritization
23 guidelines under subparagraph
24 (D)(iv).”;

1 (7) in subparagraph (I) by striking “(i) IN
2 GENERAL” and all that follows through “the Sec-
3 retary may set aside” and inserting “Of the
4 amounts made available to carry out this paragraph,
5 the Secretary may set aside”;

6 (8) in subparagraph (J) by striking the period
7 at the end and inserting “, except that the Federal
8 share of the cost of a project for which a grant is
9 awarded under this paragraph shall not exceed 80
10 percent.”;

11 (9) in subparagraph (K) by striking “amount
12 described under subparagraph (I)” and inserting
13 “funds made available to carry out this paragraph”;

14 (10) by striking subparagraph (M) and insert-
15 ing the following:

16 “(M) GRANT FLEXIBILITY.—If, by August
17 1 of each fiscal year, the Secretary determines
18 that there are not enough grant applications
19 that meet the requirements described in sub-
20 paragraph (C) to carry out this paragraph for
21 a fiscal year, the Secretary shall transfer to the
22 technology and innovation deployment pro-
23 gram—

24 “(i) any of the funds made available
25 to carry out this paragraph in a fiscal year

1 that the Secretary has not yet awarded
2 under this paragraph; and

3 “(ii) an amount of obligation limita-
4 tion equal to the amount of funds that the
5 Secretary transfers under clause (i).”; and

6 (11) in subparagraph (N)—

7 (A) in clause (i) by inserting “an urban-
8 ized area with” before “a population of”; and

9 (B) in clause (iii) by striking “a any” and
10 inserting “any”.

11 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
12 **GRAM.**

13 (a) **USE OF FUNDS FOR ITS ACTIVITIES.**—Section
14 513(c)(1) of title 23, United States Code, is amended by
15 inserting “greenhouse gas emissions reduction,” before
16 “and congestion management”.

17 (b) **GOALS AND PURPOSES.**—Section 514(a) of title
18 23, United States Code, is amended—

19 (1) in paragraph (6) by striking “national
20 freight policy goals” and inserting “national
21 multimodal freight policy goals and activities de-
22 scribed in subtitle IX of title 49”;

23 (2) by redesignating paragraphs (4), (5), and
24 (6) as paragraphs (5), (6), and (7), respectively; and

1 (3) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) reduction of greenhouse gas emissions and
4 mitigation of the effects of climate change;”.

5 (c) GENERAL AUTHORITIES AND REQUIREMENTS.—
6 Section 515(h) of title 23, United States Code, is amend-
7 ed—

8 (1) in paragraph (2)—

9 (A) by striking “20 members” and insert-
10 ing “25 members”;

11 (B) in subparagraph (A) by striking
12 “State highway department” and inserting
13 “State department of transportation”;

14 (C) in subparagraph (B) by striking “local
15 highway department” and inserting “local de-
16 partment of transportation”;

17 (D) by striking subparagraphs (E), (F),
18 (G), (H), (I), and (J) and inserting the fol-
19 lowing:

20 “(E) a private sector representative of the
21 intelligent transportation systems industry;

22 “(F) a representative from an advocacy
23 group concerned with safety, including bicycle
24 and pedestrian interests;

1 “(G) a representative from a labor organi-
2 zation; and”;

3 (E) by redesignating subparagraph (K) as
4 subparagraph (H); and

5 (F) by striking subparagraph (L);

6 (2) in paragraph (3)—

7 (A) in subparagraph (A) by striking “sec-
8 tion 508” and inserting “section 6503 of title
9 49”;

10 (B) in subparagraph (B)—

11 (i) in clause (ii)—

12 (I) by inserting “in both urban
13 and rural areas” after “by users”;
14 and

15 (II) by striking “; and” and in-
16 serting a semicolon;

17 (ii) in clause (iii) by striking the pe-
18 riod and inserting “; and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(iv) assess how Federal transpor-
22 tation resources, including programs under
23 this title, are being used to advance intel-
24 ligent transportation systems.”; and

25 (C) by adding at the end the following:

1 “(C) Convene not less frequently than
2 twice each year, either in person or remotely.”;

3 (3) in paragraph (4) by striking “May 1” and
4 inserting “April 1”; and

5 (4) in paragraph (5) by inserting “, except that
6 section 14 of such Act shall not apply” before the
7 period at the end.

8 (d) RESEARCH AND DEVELOPMENT.—Section 516(b)
9 of title 23, United States Code, is amended—

10 (1) by redesignating paragraphs (5), (6), and
11 (7) as paragraphs (6), (7), and (8), respectively; and

12 (2) by inserting after paragraph (4) the fol-
13 lowing:

14 “(5) demonstrate reductions in greenhouse gas
15 emissions;”.

16 **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**
17 **MOBILITY INNOVATION CLEARINGHOUSE.**

18 (a) IN GENERAL.—Subchapter I of chapter 55 of title
19 49, United States Code, is further amended by adding at
20 the end the following:

21 **“§ 5507. National highly automated vehicle and mo-**
22 **bility innovation clearinghouse**

23 “(a) IN GENERAL.—The Secretary shall make a
24 grant to an institution of higher education engaged in re-

1 search on the secondary impacts of highly automated vehi-
2 cles and mobility innovation to—

3 “(1) operate a national highly automated vehi-
4 cle and mobility innovation clearinghouse;

5 “(2) collect, conduct, and fund research on the
6 secondary impacts of highly automated vehicles and
7 mobility innovation;

8 “(3) make such research available on a public
9 website; and

10 “(4) conduct outreach and dissemination of the
11 information described in this subsection to assist
12 communities.

13 “(b) DEFINITIONS.—In this section:

14 “(1) HIGHLY AUTOMATED VEHICLE.—The term
15 ‘highly automated vehicle’ means a motor vehicle
16 that—

17 “(A) is capable of performing the entire
18 task of driving (including steering, accelerating
19 and decelerating, and reacting to external stim-
20 ulus) without human intervention; and

21 “(B) is designed to be operated exclusively
22 by a Level 3, Level 4, or Level 5 automated
23 driving system for all trips according to the rec-
24 ommended practice standards published on
25 June 15, 2018, by the Society of Automotive

1 Engineers International (J3016__201806) or
2 equivalent standards adopted by the Secretary
3 with respect to automated motor vehicles.

4 “(2) MOBILITY INNOVATION.—The term ‘mobil-
5 ity innovation’ means an activity described in section
6 5316, including mobility on demand and mobility as
7 a service (as such terms are defined in such section).

8 “(3) INSTITUTION OF HIGHER EDUCATION .—
9 The term ‘institution of higher education’ has the
10 meaning given the term in section 101 of the Higher
11 Education Act of 1965 (20 U.S.C. 1001).

12 “(4) SECONDARY IMPACTS.—The term ‘sec-
13 ondary impacts’ means the impacts on land use,
14 urban design, transportation, real estate, accessi-
15 bility, municipal budgets, social equity, availability
16 and quality of jobs, and the environment.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 55 of title 49, United States Code, is amended by in-
19 serting after the item relating to section 5506, as added
20 by this Act, the following:

“5507. National highly automated vehicle and mobility innovation clearing-
house.”.

21 (c) DEADLINE FOR CLEARINGHOUSE.—The Sec-
22 retary of Transportation shall ensure that the institution
23 of higher education that receives the grant described in
24 section 5507(a)(1) of title 49, United States Code, as

1 added by subsection (a), shall establish the national highly
2 automated vehicle clearinghouse described in such section
3 not later than 180 days after the date of enactment of
4 this Act.

5 **SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTO-**
6 **MATED VEHICLES AND ROAD USERS.**

7 (a) PURPOSE.—The purpose of this section shall be
8 to ensure that the increasing deployment of automated ve-
9 hicles does not jeopardize the safety of road users.

10 (b) STUDY.—

11 (1) ESTABLISHMENT.—Not later than 9
12 months after the date of enactment of this Act, the
13 Secretary of Transportation shall initiate a study on
14 the ability of automated vehicles to safely interact
15 with other road users.

16 (2) CONTENTS.—In carrying out the study
17 under paragraph (1), the Secretary shall—

18 (A) examine the ability of automated vehi-
19 cles to safely interact with general road users,
20 including vulnerable road users;

21 (B) identify barriers to improving the safe-
22 ty of interactions between automated vehicles
23 and general road users; and

24 (C) issue recommendations to improve the
25 safety of interactions between automated vehi-

1 cles and general road users, including, at a
2 minimum—

3 (i) technology advancements with the
4 potential to facilitate safer interactions be-
5 tween automated vehicles and general road
6 users given the safety considerations in
7 paragraph (3);

8 (ii) road user public awareness; and

9 (iii) improvements to transportation
10 planning and road design.

11 (3) CONSIDERATIONS.—In carrying out the
12 study under paragraph (1), the Secretary shall take
13 into consideration whether automated vehicles can
14 safely operate within the surface transportation sys-
15 tem, including—

16 (A) the degree to which ordinary human
17 behaviors make it difficult for an automated ve-
18 hicle to safely, reliably predict human actions;

19 (B) unique challenges for automated vehi-
20 cles in urban and rural areas;

21 (C) the degree to which an automated ve-
22 hicle is capable of uniformly recognizing and re-
23 sponding to individuals with disabilities and in-
24 dividuals of different sizes, ages, races, and
25 other varying characteristics;

1 (D) for bicyclist, motorcycleist, and pedes-
2 trian road users—

3 (i) the varying and non-standardized
4 nature of bicyclist and pedestrian infra-
5 structure in different locations;

6 (ii) the close proximity to motor vehi-
7 cles within which bicyclists often operate,
8 including riding in unprotected bike lanes
9 and crossing lanes to make a left turn, and
10 the risk of such close proximity; and

11 (iii) roadways that lack marked bicy-
12 clist infrastructure, particularly in
13 midsized and rural areas, on which
14 bicyclists often operate;

15 (E) for motorcycleist road users, the close
16 proximity to other motor vehicles within which
17 motorcycleists operate, including lane splitting;
18 and

19 (F) depending on the level of automation
20 of the vehicle, the degree to which human inter-
21 vention remains necessary to safely operate an
22 automated vehicle to ensure the safety of gen-
23 eral road users in circumstances including—

24 (i) dangerous weather;

1 (ii) an electronic or system malfunc-
2 tion of the automated vehicle; and

3 (iii) a cybersecurity threat to the op-
4 eration of the vehicle.

5 (4) PUBLIC COMMENT.—Before conducting the
6 study under paragraph (1), the Secretary shall pro-
7 vide an opportunity for public comment on the study
8 proposal.

9 (c) WORKING GROUP.—

10 (1) ESTABLISHMENT.—Not later than 6
11 months after the date of enactment of this Act, the
12 Secretary of Transportation shall establish a work-
13 ing group to assist in the development of the study
14 and recommendations under subsection (b).

15 (2) MEMBERSHIP.—The working group estab-
16 lished under paragraph (1) shall include representa-
17 tion from—

18 (A) the National Highway Traffic Safety
19 Administration;

20 (B) State departments of transportation;

21 (C) local governments (other than metro-
22 politan planning organizations, as such term is
23 defined in section 134(b) of title 23, United
24 States Code);

25 (D) transit agencies;

1 (E) metropolitan planning organizations
2 (as such term is defined in section 134(b) of
3 title 23, United States Code);

4 (F) bicycle and pedestrian safety groups;

5 (G) highway and automobile safety groups;

6 (H) truck safety groups;

7 (I) law enforcement officers and first re-
8 sponders;

9 (J) motor carriers and independent owner-
10 operators;

11 (K) the road construction industry;

12 (L) labor organizations;

13 (M) academic experts on automated vehicle
14 technologies;

15 (N) manufacturers and developers of both
16 passenger and commercial automated vehicles;

17 (O) a motorcycle rights group; and

18 (P) other industries and entities as the
19 Secretary determines appropriate.

20 (3) DUTIES.—The working group established
21 under paragraph (1) shall assist the Secretary by, at
22 a minimum—

23 (A) assisting in the development of the
24 scope of the study under subsection (b);

1 (B) reviewing the data and analysis from
2 such study;

3 (C) provide ongoing recommendations and
4 feedback to ensure that such study reflects the
5 contents described in paragraphs (2) and (3) of
6 subsection (b); and

7 (D) providing input to the Secretary on
8 recommendations required under subsection
9 (b)(2)(C).

10 (4) APPLICABILITY OF THE FEDERAL ADVISORY
11 COMMITTEE ACT.—The working group under this
12 subsection shall be subject to the Federal Advisory
13 Committee Act (5 U.S.C. App.), except that section
14 14 of such Act shall not apply.

15 (d) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate, and make publicly available, the study initiated
21 under subsection (b), including recommendations for en-
22 suring that automated vehicles safely interact with general
23 road users.

24 (e) DEFINITIONS.—In this section:

1 (1) AUTOMATED VEHICLE.—The term “auto-
2 mated vehicle” means a motor vehicle equipped with
3 Level 3, Level 4, or Level 5 automated driving sys-
4 tems for all trips according to the recommended
5 practice standards published on June 15, 2018 by
6 the Society of Automotive Engineers International
7 (J3016__201806) or equivalent standards adopted
8 by the Secretary with respect to automated motor
9 vehicles.

10 (2) GENERAL ROAD USERS.—The term “gen-
11 eral road users” means—

12 (A) motor vehicles driven by individuals;

13 (B) bicyclists and pedestrians;

14 (C) motorcyclists;

15 (D) workers in roadside construction
16 zones;

17 (E) emergency response vehicles, including
18 first responders;

19 (F) vehicles providing local government
20 services, including street sweepers and waste
21 collection vehicles;

22 (G) law enforcement officers;

23 (H) personnel who manually direct traffic,
24 including crossing guards;

1 (I) users of shared micromobility (includ-
2 ing bikesharing and shared scooter systems);
3 and

4 (J) other road users that may interact
5 with automated vehicles, as determined by the
6 Secretary of Transportation.

7 (3) VULNERABLE ROAD USER.—The term “vul-
8 nerable road user” has the meaning given such term
9 in section 148(a) of title 23, United States Code.

10 **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**
11 **TATION TECHNOLOGY COUNCIL.**

12 (a) IN GENERAL.—Chapter 1 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 118. Nontraditional and Emerging Transportation**
16 **Technology Council**

17 “(a) ESTABLISHMENT.—The Secretary of Transpor-
18 tation shall establish a Nontraditional and Emerging
19 Transportation Technology Council (hereinafter referred
20 to as the ‘Council’) in accordance with this section.

21 “(b) MEMBERSHIP.—

22 “(1) IN GENERAL.—The Council shall be com-
23 posed of the following officers of the Department of
24 Transportation:

25 “(A) The Secretary of Transportation.

1 “(B) The Deputy Secretary of Transpor-
2 tation.

3 “(C) The Under Secretary of Transpor-
4 tation for Policy.

5 “(D) The General Counsel of the Depart-
6 ment of Transportation.

7 “(E) The Chief Information Officer of the
8 Department of Transportation.

9 “(F) The Assistant Secretary for Research
10 and Technology.

11 “(G) The Assistant Secretary for Budget
12 and Programs.

13 “(H) The Administrator of the Federal
14 Aviation Administration.

15 “(I) The Administrator of the Federal
16 Highway Administration.

17 “(J) The Administrator of the Federal
18 Motor Carrier Safety Administration.

19 “(K) The Administrator of the Federal
20 Railroad Administration.

21 “(L) The Administrator of the Federal
22 Transit Administration.

23 “(M) The Administrator of the Federal
24 Maritime Administration.

1 “(N) The Administrator of the National
2 Highway Traffic Safety Administration.

3 “(O) The Administrator of the Pipeline
4 and Hazardous Materials Safety Administra-
5 tion.

6 “(2) ADDITIONAL MEMBERS.—The Secretary
7 may designate additional members of the Depart-
8 ment to serve as at-large members of the Council.

9 “(3) CHAIR AND VICE CHAIR.—The Secretary
10 may designate officials to serve as the Chair and
11 Vice Chair of the Council and of any working groups
12 of the Council.

13 “(c) DUTIES.—The Council shall—

14 “(1) identify and resolve any jurisdictional or
15 regulatory gaps or inconsistencies associated with
16 nontraditional and emerging transportation tech-
17 nologies, modes, or projects pending or brought be-
18 fore the Department to eliminate, so far as prac-
19 ticable, impediments to the prompt and safe deploy-
20 ment of new and innovative transportation tech-
21 nology, including with respect to safety regulation
22 and oversight, environmental review, and funding
23 issues;

24 “(2) coordinate the Department’s internal over-
25 sight of nontraditional and emerging transportation

1 technologies, modes, or projects and engagement
2 with external stakeholders;

3 “(3) within applicable statutory authority other
4 than this paragraph, develop and establish depart-
5 ment-wide processes, solutions, and best practices
6 for identifying, managing and resolving issues re-
7 garding emerging transportation technologies,
8 modes, or projects pending or brought before the
9 Department; and

10 “(4) carry out such additional duties as the
11 Secretary may prescribe, to the extent consistent
12 with this title, including subsections (f)(2) and (g)
13 of section 106.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 1 of title 49, United States Code, is amended by add-
16 ing at the end the following:

“118. Nontraditional and Emerging Transportation Technology Council.”.

17 **SEC. 5306. HYPERLOOP TRANSPORTATION.**

18 (a) IN GENERAL.—Not later than 6 months after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation, acting through the Nontraditional and Emerging
21 Transportation Technology Council of the Department of
22 Transportation, shall issue guidance to provide a clear
23 regulatory framework for the safe deployment of hyperloop
24 transportation.

1 (b) ELEMENTS.—In developing the guidance under
2 subsection (a), the Council shall—

3 (1) consider safety, oversight, environmental,
4 project delivery, and other regulatory requirements
5 prescribed by various modal administrations in the
6 Department;

7 (2) clearly delineate between relevant authori-
8 ties with respect to hyperloop transportation in the
9 Department and provide project sponsors with a sin-
10 gle point of access to the Department to inquire
11 about projects, plans, and proposals;

12 (3) establish clear, coordinated procedures for
13 the regulation of hyperloop transportation projects;
14 and

15 (4) develop and establish department-wide proc-
16 esses, solutions, and best practices for identifying,
17 managing, and resolving matters regarding
18 hyperloop transportation subject to the Depart-
19 ment's jurisdiction.

20 **SEC. 5307. SURFACE TRANSPORTATION WORKFORCE RE-**
21 **TRAINING GRANT PROGRAM.**

22 (a) ESTABLISHMENT.—The Secretary of Transpor-
23 tation shall establish a program to make grants to eligible
24 entities to develop a curriculum for and establish transpor-
25 tation workforce training programs in urban and rural

1 areas to train, upskill, and prepare surface transportation
2 workers, whose jobs may be changed or worsened by auto-
3 mation, who have been separated from their jobs, or who
4 have received notice of impending job loss, as a result of
5 being replaced by automated driving systems.

6 (b) ELIGIBLE ENTITIES.—The following entities
7 shall be eligible to receive grants under this section:

8 (1) Institutions of higher education.

9 (2) Consortia of institutions of higher edu-
10 cation.

11 (3) Trade associations.

12 (4) Nongovernmental stakeholders.

13 (5) Organizations with a demonstrated capacity
14 to develop and provide career ladder programs
15 through labor-management partnerships and appren-
16 ticeships on a nationwide basis.

17 (c) LIMITATION ON AWARDS.—An entity may only
18 receive one grant per fiscal year under this section for an
19 amount determined appropriate by the Secretary.

20 (d) USE OF FUNDS.—

21 (1) IN GENERAL.—A recipient of a grant under
22 this section may only use grant amounts for devel-
23 oping and carrying out direct surface transportation
24 workforce retraining programs, including—

1 (A) testing of new roles for existing jobs,
2 including mechanical work, diagnostic work,
3 and fleet operations management;

4 (B) coursework or curricula through which
5 participants may pursue a degree or certifi-
6 cation;

7 (C) direct worker training or train-the-
8 trainer type programs in support of surface
9 transportation workers displaced by automated
10 vehicles; or

11 (D) training and upskilling workers, in-
12 cluding current drivers and maintenance techni-
13 cians, for positions directly related to auto-
14 mated vehicle operations.

15 (2) LIMITATION.—Funds made available under
16 this section may not be used in support of programs
17 to evaluate the effectiveness of automated vehicle
18 technologies.

19 (e) SELECTION CRITERIA.—The Secretary shall se-
20 lect recipients of grants under this section based on the
21 following criteria:

22 (1) Demonstrated research resources available
23 to the applicant for carrying out this section.

24 (2) Capability of the applicant to develop cur-
25 ricula in the training or retraining of individuals de-

1 scribed in subsection (a) as a result of automated
2 vehicles.

3 (3) Demonstrated commitment of the recipient
4 to carry out a surface transportation workforce de-
5 velopment program through degree-granting pro-
6 grams or programs that provide other industry-rec-
7 ognized credentials.

8 (4) The ability of the applicant to fulfill the
9 purposes under subsection (a).

10 (f) ELIGIBILITY.—An applicant is only eligible for a
11 grant under this section if such applicant—

12 (1) has an established surface transportation
13 workforce development program;

14 (2) has expertise in solving surface transpor-
15 tation problems through research, training, edu-
16 cation, and technology;

17 (3) actively shares information and results with
18 other surface transportation workforce development
19 programs with similar objectives;

20 (4) has experience in establishing, developing
21 and administering a surface transportation-related
22 apprenticeship or training program with at least 5
23 years of demonstrable results; and

1 (5) agrees to make all curricula, research find-
2 ings, or other materials developed using grant fund-
3 ing under this section publicly available.

4 (g) FEDERAL SHARE.—

5 (1) IN GENERAL.—The Federal share of a
6 grant under this section shall be a dollar for dollar
7 match of the costs of establishing and administering
8 the retraining program and related activities carried
9 out by the grant recipient or consortium of grant re-
10 cipients.

11 (2) AVAILABILITY OF FUNDS.—For a recipient
12 of a grant under this section carrying out activities
13 under such grant in partnership with a public trans-
14 portation agency that is receiving funds under sec-
15 tions 5307, 5337, or 5339 of title 49, United States
16 Code, not more than 0.5 percent of amounts made
17 available under any such section may qualify as the
18 non-Federal share under paragraph (1).

19 (h) REPORTING.—Not later than 60 days after
20 grants are awarded in any fiscal year under this section,
21 the Secretary shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives
23 and the Committees on Commerce, Science, and Transpor-
24 tation, Banking, Housing, and Urban Affairs, and Envi-
25 ronment and Public Works of the Senate, and make pub-

1 lically available, a report describing the activities and effec-
2 tiveness of the program under this section.

3 (1) TRANSPARENCY.—The report under this
4 subsection shall include the following information on
5 activities carried out under this section:

6 (A) A list of all grant recipients under this
7 section.

8 (B) An explanation of why each recipient
9 was chosen in accordance with the selection cri-
10 teria under subsection (e) and the eligibility re-
11 quirements under subsection (f).

12 (C) A summary of activities carried out by
13 each recipient and an analysis of the progress
14 of such activities toward achieving the purposes
15 under subsection (a).

16 (D) An accounting for the use of Federal
17 funds expended in carrying out this section.

18 (E) An analysis of outcomes of the pro-
19 gram under this section.

20 (2) TRAINING INFORMATION.—The report shall
21 include the following data on surface transportation
22 workforce training:

23 (A) The sectors of the surface transpor-
24 tation system from which workers are being dis-
25 placed.

1 (B) The skills and professions for which
2 workers are being retrained.

3 (C) How many workers have benefitted
4 from the grant award.

5 (D) Relevant demographic information of
6 impacted workers.

7 (i) DEFINITIONS.—For the purposes of this section,
8 the following definitions apply:

9 (1) INSTITUTION OF HIGHER EDUCATION.—The
10 term “institution of higher education” has the
11 meaning given the term in section 101 of the Higher
12 Education Act of 1965 (20 U.S.C. 1001).

13 (2) AUTOMATED VEHICLE.—The term “auto-
14 mated vehicle” means a motor vehicle that—

15 (A) is capable of performing the entire
16 task of driving (including steering, accelerating,
17 and decelerating, and reacting to external stim-
18 ulus) without human intervention; and

19 (B) is designed to be operated exclusively
20 by a Level 4 or Level 5 automated driving sys-
21 tem for all trips according to the recommended
22 practice standards published on June 15, 2018,
23 by the Society of Automotive Engineers Inter-
24 national (J3016__201806) or equivalent stand-

1 ards adopted by the Secretary with respect to
2 automated motor vehicles.

3 (3) PUBLIC TRANSPORTATION.—The term
4 “public transportation” has the meaning given such
5 term in section 5302 of title 49, United States Code.

6 (j) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated \$50,000,000 for each of fiscal years
9 2022 through 2025 to carry out this section.

10 (2) AVAILABILITY OF AMOUNTS.—Amounts
11 made available to the Secretary to carry out this sec-
12 tion shall remain available for a period of 3 years
13 after the last day of the fiscal year for which the
14 amounts are authorized.

15 **SEC. 5308. THIRD-PARTY DATA INTEGRATION PILOT PRO-**
16 **GRAM.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of enactment of this Act, the Secretary of Transpor-
19 tation shall establish and implement a pilot program (in
20 this section referred to as the “program”) to leverage
21 anonymous crowdsourced data from third-party entities to
22 improve transportation management capabilities and effi-
23 ciency on Federal-aid highways.

24 (b) GOALS.—The goals of the program include the
25 utilization of anonymous crowdsourced data from third

1 parties to implement integrated traffic management sys-
2 tems which leverage real-time data to provide dynamic and
3 efficient traffic-flow management for purposes of—

4 (1) adjusting traffic light cycle times to opti-
5 mize traffic management and decrease congestion;

6 (2) expanding or contracting lane capacity to
7 meet traffic demand;

8 (3) enhancing traveler notification of service
9 conditions;

10 (4) prioritizing high-priority vehicles such as
11 emergency response and law enforcement within the
12 transportation system; and

13 (5) any other purposes which the Secretary
14 deems an appropriate use of anonymous user data.

15 (c) PARTNERSHIP.—In carrying out the program, the
16 Secretary is authorized to enter into agreements with pub-
17 lic and private sector entities to accomplish the goals listed
18 in subsection (b).

19 (d) DATA PRIVACY AND SECURITY.—The Secretary
20 shall ensure the protection of privacy for all sources of
21 data utilized in the program, promoting cybersecurity to
22 prevent hacking, spoofing, and disruption of connected
23 and automated transportation systems.

24 (e) PROGRAM LOCATIONS.—In carrying out the pro-
25 gram, the Secretary shall initiate programs in a variety

1 of areas, including urban, suburban, rural, tribal, or any
2 other appropriate settings.

3 (f) BEST PRACTICES.—Not later than 3 years after
4 date of enactment of this Act, the Secretary shall publicly
5 make available best practices to leverage private user data
6 to support improved transportation management capabili-
7 ties and efficiency, including—

8 (1) legal considerations when acquiring private
9 user data for public purposes; and

10 (2) protecting privacy and security of individual
11 user data.

12 (g) REPORT.—The Secretary shall annually submit
13 a report to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Environment and Public Works of the Senate
16 a report detailing—

17 (1) a description of the activities carried out
18 under the pilot program;

19 (2) an evaluation of the effectiveness of the
20 pilot program in meeting goals described in sub-
21 section (b);

22 (3) policy recommendations to improve integra-
23 tion of systems between public and private entities;
24 and

1 (4) a description of costs associated with equip-
2 ping and maintaining systems.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated such sums as are necessary
5 to carry out the program.

6 (i) SUNSET.—On a date that is 5 years after the en-
7 actment of this Act, this program shall cease to be effec-
8 tive.

9 **SEC. 5309. THIRD-PARTY DATA PLANNING INTEGRATION**
10 **PILOT PROGRAM.**

11 (a) IN GENERAL.—Not later than 180 days after en-
12 actment of this Act, the Secretary of Transportation shall
13 establish and implement a pilot program (in this section
14 referred to as the “program”) to leverage anonymous
15 crowdsourced data from third-party entities to improve
16 transportation management capabilities and efficiency on
17 Federal-aid highways.

18 (b) GOALS.—The goals of the program include the
19 utilization of anonymous crowdsourced data from third
20 parties to—

21 (1) utilize private-user data to inform infra-
22 structure planning decisions for the purposes of—

23 (A) reducing congestion;

24 (B) decreasing miles traveled;

25 (C) increasing safety;

1 (D) improving freight efficiency;
2 (E) enhancing environmental conditions;
3 and
4 (F) other purposes as the Secretary deems
5 necessary.

6 (c) PARTNERSHIP.—In carrying out the program, the
7 Secretary is authorized to enter into agreements with pub-
8 lic and private sector entities to accomplish the goals listed
9 in subsection (b).

10 (d) DATA PRIVACY AND SECURITY.—The Secretary
11 shall ensure the protection of privacy for all sources of
12 data utilized in the program, promoting cybersecurity to
13 prevent hacking, spoofing, and disruption of connected
14 and automated transportation systems.

15 (e) PROGRAM LOCATIONS.—In carrying out the pro-
16 gram, the Secretary shall initiate programs in a variety
17 of areas, including urban, suburban, rural, tribal, or any
18 other appropriate settings.

19 (f) BEST PRACTICES.—Not later than 3 years after
20 date of enactment of this Act, the Secretary shall publicly
21 make available best practices to leverage private user data
22 to support improved transportation management capabili-
23 ties and efficiency, including—

24 (1) legal considerations when acquiring private
25 user data for public purposes; and

1 (2) protecting privacy and security of individual
2 user data.

3 (g) REPORT.—The Secretary shall annually submit
4 a report to the Committee on Transportation and Infra-
5 structure of the House of Representatives and the Com-
6 mittee on Environment and Public Works of the Senate
7 a report detailing—

8 (1) a description of the activities carried out
9 under the pilot program;

10 (2) an evaluation of the effectiveness of the
11 pilot program in meeting goals described in sub-
12 section (b);

13 (3) policy recommendations to improve the im-
14 plementation of anonymous crowdsourced data into
15 planning decisions.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated such sums as are necessary
18 to carry out the program.

19 (i) SUNSET.—On a date that is 5 years after the en-
20 actment of this Act, this program shall cease to be effec-
21 tive.

1 **Subtitle D—Surface Transportation**
2 **Funding Pilot Programs**

3 **SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM**
4 **FUNDING PILOTS.**

5 Section 6020 of the FAST Act (23 U.S.C. 503 note)
6 is amended—

7 (1) by striking subsection (b) and inserting the
8 following:

9 “(b) **ELIGIBILITY.**—

10 “(1) **APPLICATION.**—To be eligible for a grant
11 under this section, a State or group of States shall
12 submit to the Secretary an application in such form
13 and containing such information as the Secretary
14 may require.

15 “(2) **ELIGIBLE PROJECTS.**—The Secretary may
16 provide grants to States or a group of States under
17 this section for the following projects:

18 “(A) **STATE PILOT PROJECTS.**—

19 “(i) **IN GENERAL.**—A pilot project to
20 demonstrate a user-based alternative rev-
21 enue mechanism in a State.

22 “(ii) **LIMITATION.**—If an applicant
23 has previously been awarded a grant under
24 this section, such applicant’s proposed pilot
25 project must be comprised of core activities

1 or iterations not substantially similar in
2 manner or scope to activities previously
3 carried out by the applicant with a grant
4 for a project under this section.

5 “(B) STATE IMPLEMENTATION
6 PROJECTS.—A project—

7 “(i) to implement a user-based alter-
8 native revenue mechanism that collects rev-
9 enue to be expended on projects for the
10 surface transportation system of the State;
11 or

12 “(ii) that demonstrates progress to-
13 wards implementation of a user-based al-
14 ternative revenue mechanism, with consid-
15 eration for previous grants awarded to the
16 applicant under this section.”;

17 (2) in subsection (c)—

18 (A) in paragraph (1) by striking “2 or
19 more future”; and

20 (B) by adding at the end the following:

21 “(6) To test solutions to ensure the privacy and
22 security of data collected for the purpose of imple-
23 menting a user-based alternative revenue mecha-
24 nism.”;

1 (3) in subsection (d) by striking “to test the de-
2 sign, acceptance, and implementation of a user-
3 based alternative revenue mechanism” and inserting
4 “to test the design and acceptance of, or implement,
5 a user-based alternative revenue mechanism”;

6 (4) in subsection (g) by striking “50 percent”
7 and inserting “80 percent”;

8 (5) in subsection (i)—

9 (A) in the heading by striking “BIENNIAL”
10 and inserting “ANNUAL”;

11 (B) by striking “2 years after the date of
12 enactment of this Act” and inserting “1 year
13 after the date of enactment of the INVEST in
14 America Act”;

15 (C) by striking “every 2 years thereafter”
16 and inserting “every year thereafter”; and

17 (D) by inserting “and containing a deter-
18 mination of the characteristics of the most suc-
19 cessful mechanisms with the highest potential
20 for future widespread deployment” before the
21 period at the end; and

22 (6) by striking subsections (j) and (k) and in-
23 serting the following:

24 “(j) FUNDING.—Of amounts made available to carry
25 out this section—

1 “(1) for fiscal year 2022, \$17,500,000 shall be
2 used to carry out projects under subsection
3 (b)(2)(A) and \$17,500,000 shall be used to carry
4 out projects under subsection (b)(2)(B);

5 “(2) for fiscal year 2023, \$15,000,000 shall be
6 used to carry out projects under subsection
7 (b)(2)(A) and \$20,000,000 shall be used to carry
8 out projects under subsection (b)(2)(B);

9 “(3) for fiscal year 2024, \$12,500,000 shall be
10 used to carry out projects under subsection
11 (b)(2)(A) and \$22,500,000 shall be used to carry
12 out projects under subsection (b)(2)(B); and

13 “(4) for fiscal year 2025, \$10,000,000 shall be
14 used to carry out projects under subsection
15 (b)(2)(A) and \$25,000,000 shall be used to carry
16 out projects under subsection (b)(2)(B).

17 “(k) FUNDING FLEXIBILITY.—Funds made available
18 in a fiscal year for making grants for projects under sub-
19 section (b)(2) that are not obligated in such fiscal year
20 may be made available in the following fiscal year for
21 projects under such subsection or for the national surface
22 transportation system funding pilot under section 5402 of
23 the INVEST in America Act.”.

1 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**

2 **FUNDING PILOT.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—The Secretary of Transpor-
5 tation, in coordination with the Secretary of the
6 Treasury, shall establish a pilot program to dem-
7 onstrate a national motor vehicle per-mile user fee to
8 restore and maintain the long-term solvency of the
9 Highway Trust Fund and achieve and maintain a
10 state of good repair in the surface transportation
11 system.

12 (2) OBJECTIVES.—The objectives of the pilot
13 program are to—

14 (A) test the design, acceptance, implemen-
15 tation, and financial sustainability of a national
16 per-mile user fee;

17 (B) address the need for additional rev-
18 enue for surface transportation infrastructure
19 and a national per-mile user fee; and

20 (C) provide recommendations regarding
21 adoption and implementation of a national per-
22 mile user fee.

23 (b) PARAMETERS.—In carrying out the pilot program
24 established under subsection (a), the Secretary of Trans-
25 portation, in coordination with the Secretary of the Treas-
26 ury, shall—

1 (1) provide different methods that volunteer
2 participants can choose from to track motor vehicle
3 miles traveled;

4 (2) solicit volunteer participants from all 50
5 States and the District of Columbia;

6 (3) ensure an equitable geographic distribution
7 by population among volunteer participants;

8 (4) include commercial vehicles and passenger
9 motor vehicles in the pilot program; and

10 (5) use components of, and information from,
11 the States selected for the State surface transpor-
12 tation system funding pilot program under section
13 6020 of the FAST Act (23 U.S.C. 503 note).

14 (c) METHODS.—

15 (1) TOOLS.—In selecting the methods described
16 in subsection (b)(1), the Secretary of Transportation
17 shall coordinate with entities that voluntarily provide
18 to the Secretary for use in the program any of the
19 following vehicle-miles-traveled collection tools:

20 (A) Third-party on-board diagnostic
21 (OBD–II) devices.

22 (B) Smart phone applications.

23 (C) Telemetric data collected by auto-
24 makers.

1 (D) Motor vehicle data obtained by car in-
2 surance companies.

3 (E) Data from the States selected for the
4 State surface transportation system funding
5 pilot program under section 6020 of the FAST
6 Act (23 U.S.C. 503 note).

7 (F) Motor vehicle data obtained from fuel-
8 ing stations.

9 (G) Any other method that the Secretary
10 considers appropriate.

11 (2) COORDINATION.—

12 (A) SELECTION.—The Secretary shall de-
13 termine which methods under paragraph (1) are
14 selected for the pilot program.

15 (B) VOLUNTEER PARTICIPANTS.—In a
16 manner that the Secretary considers appro-
17 priate, the Secretary shall provide each selected
18 method to each volunteer participant.

19 (d) PER-MILE USER FEES.—For the purposes of the
20 pilot program established in subsection (a), the Secretary
21 of the Treasury shall establish on an annual basis—

22 (1) for passenger vehicles and light trucks, a
23 per-mile user fee that is equivalent to—

24 (A) the average annual taxes imposed by
25 sections 4041 and 4081 of the Internal Rev-

1 enue Code of 1986 with respect to gasoline or
2 any other fuel used in a motor vehicle (other
3 than aviation gasoline or diesel), divided by

4 (B) the total vehicle miles traveled by pas-
5 senger vehicles and light trucks; and

6 (2) for medium- and heavy-duty trucks, a per-
7 mile user fee that is equivalent to—

8 (A) the average annual taxes imposed by
9 sections 4041 and 4081 of such Code with re-
10 spect to diesel fuel, divided by

11 (B) the total vehicle miles traveled by
12 medium- and heavy-duty trucks.

13 Taxes shall only be taken into account under the
14 preceding sentence to the extent taken into account
15 in determining appropriations to the Highway Trust
16 Fund under section 9503(b) of such Code, and the
17 amount so determined shall be reduced to account
18 for transfers from such fund under paragraphs (3),
19 (4), and (5) of section 9503(c) of such Code.

20 (e) VOLUNTEER PARTICIPANTS.—The Secretary of
21 Transportation, in coordination with the Secretary of the
22 Treasury, shall—

23 (1) ensure, to the extent practicable, that an
24 appropriate number of volunteer participants partici-
25 pate in the pilot program; and

1 (2) issue policies to—

2 (A) protect the privacy of volunteer partici-
3 pants; and

4 (B) secure the data provided by volunteer
5 participants.

6 (f) ADVISORY BOARD.—

7 (1) IN GENERAL.—The Secretary shall establish
8 an advisory board to assist with—

9 (A) advancing and implementing the pilot
10 program under this section;

11 (B) carrying out the public awareness cam-
12 paign under subsection (g); and

13 (C) developing the report under subsection
14 (m).

15 (2) MEMBERS.—The advisory board shall, at a
16 minimum, include the following entities, to be ap-
17 pointed by the Secretary—

18 (A) State departments of transportation;

19 (B) any public or nonprofit entity that led
20 a surface transportation system funding alter-
21 natives pilot project under section 6020 of the
22 FAST Act (23 U.S.C. 503 note; Public Law
23 114-94) (as in effect on the day before the date
24 of enactment of this Act);

1 (C) representatives of the trucking indus-
2 try, including owner-operator independent driv-
3 ers;

4 (D) data security experts; and

5 (E) academic experts on surface transpor-
6 tation.

7 (g) PUBLIC AWARENESS CAMPAIGN.—

8 (1) IN GENERAL.—The Secretary of Transpor-
9 tation, with guidance from the advisory board under
10 subsection (f), may carry out a public awareness
11 campaign to increase public awareness regarding a
12 national per-mile user fee, including distributing in-
13 formation related to the pilot program carried out
14 under this section, information from the State sur-
15 face transportation system funding pilot program
16 under section 6020 of the FAST Act (23 U.S.C. 503
17 note).

18 (2) CONSIDERATIONS.—In carrying out the
19 public awareness campaign under this subsection,
20 the Secretary shall consider issues unique to each
21 State.

22 (h) REVENUE COLLECTION.—The Secretary of the
23 Treasury, in coordination with the Secretary of Transpor-
24 tation, shall establish a mechanism to collect per-mile user

1 fees established under subsection (d) from volunteer par-
2 ticipants. Such mechanism—

3 (1) may be adjusted as needed to address tech-
4 nical challenges; and

5 (2) may allow third-party vendors to collect the
6 per-mile user fees and forward such fees to the
7 Treasury.

8 (i) AGREEMENT.—The Secretary of Transportation
9 may enter into an agreement with a volunteer participant
10 containing such terms and conditions as the Secretary
11 considers necessary for participation in the pilot program.

12 (j) LIMITATION.—Any revenue collected through the
13 mechanism established in subsection (h) shall not be con-
14 sidered a toll under section 301 of title 23, United States
15 Code.

16 (k) HIGHWAY TRUST FUND.—The Secretary of the
17 Treasury shall ensure that any revenue collected under
18 subsection (g) is deposited into the Highway Trust Fund.

19 (l) REFUND.—Not more than 45 days after the end
20 of each calendar quarter in which a volunteer participant
21 has participated in the pilot program, the Secretary of the
22 Treasury shall calculate and issue an equivalent refund
23 to volunteer participants for applicable Federal motor fuel
24 taxes under section 4041 and section 4081 of the Internal

1 Revenue Code of 1986, the applicable battery tax under
2 section 4111 of such Code, or both, if applicable.

3 (m) REPORT TO CONGRESS.—Not later than 1 year
4 after the date on which volunteer participants begin par-
5 ticipating in the pilot program, and each year thereafter
6 for the duration of the pilot program, the Secretary of
7 Transportation and the Secretary of the Treasury shall
8 submit to the Committee on Transportation and Infra-
9 structure of the House of Representatives and the Com-
10 mittee on Environment and Public Works of the Senate
11 a report that includes an analysis of—

12 (1) whether the objectives described in sub-
13 section (a)(2) were achieved;

14 (2) how volunteer protections in subsection
15 (e)(2) were complied with; and

16 (3) whether per-mile user fees can maintain the
17 long-term solvency of the Highway Trust Fund and
18 achieve and maintain a state of good repair in the
19 surface transportation system.

20 (n) SUNSET.—The pilot program established under
21 this section shall expire on the date that is 4 years after
22 the date on which volunteer participants begin partici-
23 pating in such program.

24 (o) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) COMMERCIAL VEHICLE.—The term “com-
2 mercial vehicle” has the meaning given the term
3 commercial motor vehicle in section 31101 of title
4 49, United States Code.

5 (2) HIGHWAY TRUST FUND.—The term “High-
6 way Trust Fund” means the Highway Trust Fund
7 established under section 9503 of the Internal Rev-
8 enue Code of 1986.

9 (3) LIGHT TRUCK.—The term “light truck” has
10 the meaning given the term in section 523.2 of title
11 49, Code of Federal Regulations.

12 (4) MEDIUM- AND HEAVY-DUTY TRUCK.—The
13 term “medium- and heavy-duty truck” has the
14 meaning given the term “commercial medium- and
15 heavy-duty on-highway vehicle” in section 32901(a)
16 of title 49, United States Code.

17 (5) PER-MILE USER FEE.—The term “per-mile
18 user fee” means a revenue mechanism that—

19 (A) is applied to road users operating
20 motor vehicles on the surface transportation
21 system; and

22 (B) is based on the number of vehicle miles
23 traveled by an individual road user.

24 (6) VOLUNTEER PARTICIPANT.—The term “vol-
25 unteer participant” means—

1 (A) an owner or lessee of an individual pri-
2 vate motor vehicle who volunteers to participate
3 in the pilot program;

4 (B) a commercial vehicle operator who vol-
5 unteers to participate in the pilot program; or

6 (C) an owner of a motor vehicle fleet who
7 volunteers to participate in the pilot program.

8 **Subtitle E—Miscellaneous**

9 **SEC. 5501. ERGONOMIC SEATING WORKING GROUP.**

10 (a) IN GENERAL.—

11 (1) ESTABLISHMENT.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary of Transportation shall convene a working
14 group to examine the seating standards for commer-
15 cial drivers.

16 (2) MEMBERS.—At a minimum, the working
17 group shall include—

18 (A) seat manufacturers;

19 (B) commercial vehicle manufacturers;

20 (C) transit vehicle manufacturers;

21 (D) labor representatives for the trucking
22 industry;

23 (E) representatives from organizations en-
24 gaged in collective bargaining on behalf of tran-
25 sit workers in not fewer than 3 States; and

1 (F) musculoskeletal health experts.

2 (b) OBJECTIVES.—The Secretary shall pursue the
3 following objectives through the working group:

4 (1) To identify health issues, including mus-
5 culoskeletal health issues, that afflict commercial
6 drivers due to sitting for long periods of time while
7 on duty.

8 (2) To identify research topics for further devel-
9 opment and best practices to improve seating.

10 (3) To determine ways to incorporate improved
11 seating into manufacturing standards for public
12 transit vehicles and commercial vehicles.

13 (c) REPORT.—

14 (1) SUBMISSION.—Not later than 18 months
15 after the date of enactment of this Act, the working
16 group shall submit to the Secretary, the Committee
17 on Transportation and Infrastructure of the House
18 of Representatives, and the Committee on Banking,
19 Housing, and Urban Affairs and the Committee on
20 Commerce, Science, and Transportation of the Sen-
21 ate a report on the findings of the working group
22 under this section and any recommendations for the
23 adoption of better ergonomic seating for commercial
24 drivers.

1 (B) in paragraph (2)(A) by striking “or
2 section 6314(b)”.

3 **SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH**
4 **PROGRAM.**

5 (a) IN GENERAL.—Subchapter I of chapter 55 of title
6 49, United States Code, is further amended by adding at
7 the end the following:

8 **“§ 5508. Transportation workforce outreach program**

9 “(a) IN GENERAL.—The Secretary shall establish
10 and administer a transportation workforce outreach pro-
11 gram that carries out a series of public service announce-
12 ment campaigns during fiscal years 2022 through 2026.

13 “(b) PURPOSE.—The purpose of each campaign car-
14 ried out under the program shall be to achieve the fol-
15 lowing objectives:

16 “(1) Increase awareness of career opportunities
17 in the transportation sector, including aviation pi-
18 lots, safety inspectors, mechanics and technicians,
19 maritime transportation workers, air traffic control-
20 lers, flight attendants, truck drivers, engineers, tran-
21 sit workers, railroad workers, and other transpor-
22 tation professionals.

23 “(2) Increase diversity, including race, gender,
24 ethnicity, and socioeconomic status, of professionals
25 in the transportation sector.

1 “(c) ADVERTISING.—The Secretary may use, or au-
2 thorize the use of, funds available to carry out the pro-
3 gram for the development, production, and use of broad-
4 cast, digital, and print media advertising and outreach in
5 carrying out campaigns under this section.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
7 carry out this section, there are authorized to be appro-
8 priated \$5,000,000 for each fiscal years 2022 through
9 2026.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for chapter 55 of subtitle III of title 49, United States
12 Code, is further amended by inserting after the item relat-
13 ing to section 5507, as added by this Act, the following:
“5508. Transportation workforce outreach program.”.

14 **SEC. 5504. CERTIFICATION ON ENSURING NO HUMAN**
15 **RIGHTS ABUSES.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) According to the International Energy
18 Agency—

19 (A) electric cars require significant
20 amounts of copper, lithium, nickel, manganese,
21 rare earth elements, platinum group elements,
22 and cobalt; and

23 (B) the top producer of cobalt is the
24 Democratic Republic of the Congo.

1 (2) UNICEF and Amnesty International esti-
2 mate that 40,000 boys and girls work in mines
3 across the Democratic Republic of the Congo for up
4 to 12 hours a day and earn no more than 2 dollars
5 a day.

6 (3) The boys and girls working in mines in the
7 Democratic Republic of the Congo do not attend
8 school, they are beaten by security guards, and they
9 are exposed to high levels of cobalt, but are not
10 issued protective equipment.

11 (b) CERTIFICATION.—The Secretary of Commerce
12 shall certify that no funds for programs related to reduc-
13 ing green house gas emissions under this title and the
14 amendments made by this title are used for minerals
15 sourced or processed with child labor, as such term is de-
16 fined in Article 3 of the International Labor Organization
17 Convention concerning the prohibition and immediate ac-
18 tion for the elimination of the worst forms of child labor
19 (December 2, 2000), or in violation of human rights.

20 **TITLE VI—MULTIMODAL** 21 **TRANSPORTATION**

22 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

23 Section 70101(b) of title 49, United States Code, is
24 amended—

1 (1) in paragraph (2) by inserting “in rural and
2 urban areas” after “freight transportation”;

3 (2) in paragraph (7)—

4 (A) in subparagraph (B) by striking “;
5 and” and inserting a semicolon;

6 (B) by redesignating subparagraph (C) as
7 subparagraph (D); and

8 (C) by inserting after subparagraph (B)
9 the following:

10 “(C) travel within population centers;
11 and”;

12 (3) in paragraph (9) by striking “; and” and in-
13 serting the following: “including—

14 “(A) greenhouse gas emissions;

15 “(B) local air pollution;

16 “(C) minimizing, capturing, or treating
17 stormwater runoff or other adverse impacts to
18 water quality; and

19 “(D) wildlife habitat loss;”;

20 (4) by redesignating paragraph (10) as para-
21 graph (11); and

22 (5) by inserting after paragraph (9) the fol-
23 lowing:

1 “(10) to decrease any adverse impact of freight
2 transportation on communities located near freight
3 facilities or freight corridors; and”.

4 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

5 Section 70102(c) of title 49, United States Code, is
6 amended by striking “shall” and all that follows through
7 the end and inserting the following: “shall—

8 “(1) update the plan and publish the updated
9 plan on the public website of the Department of
10 Transportation; and

11 “(2) include in the update described in para-
12 graph (1)—

13 “(A) each item described in subsection (b);
14 and

15 “(B) best practices to reduce the adverse
16 environmental impacts of freight-related—

17 “(i) greenhouse gas emissions;

18 “(ii) local air pollution;

19 “(iii) stormwater runoff or other ad-
20 verse impacts to water quality; and

21 “(iv) wildlife habitat loss.”.

22 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

23 Section 70103 of title 49, United States Code, is
24 amended—

1 (1) in subsection (b)(2)(C) by striking “of the
2 United States that have” and inserting the fol-
3 lowing: “of the United States that—

4 “(i) have a total annual value of cargo
5 of at least \$1,000,000,000, as identified by
6 United States Customs and Border Protec-
7 tion and reported by the Bureau of the
8 Census; or

9 “(ii) have”;

10 (2) in subsection (c)—

11 (A) in paragraph (1) by striking “Not
12 later than 1 year after the date of enactment of
13 this section,” and inserting the following:

14 “(A) REPORT TO CONGRESS.—Not later
15 than 30 days after the date of enactment of the
16 INVEST in America Act, the Secretary shall
17 submit to the Committee on Transportation and
18 Infrastructure of the House of Representatives
19 and the Committee on Commerce, Science, and
20 Transportation of the Senate a report detailing
21 a plan to designate a final National Multimodal
22 Freight Network, including a detailed summary
23 of the resources within the Office of the Sec-
24 retary that will be dedicated to carrying out
25 such plan.

1 “(B) DESIGNATION OF NATIONAL
2 MULTIMODAL FREIGHT NETWORK.—Not later
3 than 60 days after the submission of the report
4 described in subparagraph (A),”;

5 (B) in paragraph (3)(C)—

6 (i) by inserting “and metropolitan
7 planning organizations” after “States”;
8 and

9 (ii) by striking “paragraph (4)” and
10 inserting “paragraphs (4) and (5)”;

11 (C) in paragraph (4)—

12 (i) in the header by inserting “AND
13 METROPOLITAN PLANNING ORGANIZATION”
14 after “STATE”;

15 (ii) by redesignating subparagraph
16 (D) as subparagraph (E); and

17 (iii) by striking subparagraph (C) and
18 inserting the following:

19 “(C) CRITICAL URBAN FREIGHT FACILI-
20 TIES AND CORRIDORS.—

21 “(i) AREA WITH A POPULATION OF
22 OVER 500,000.—In an urbanized area with
23 a population of 500,000 or more individ-
24 uals, the representative metropolitan plan-
25 ning organization, in consultation with the

1 State, may designate a freight facility or
2 corridor within the borders of the State as
3 a critical urban freight facility or corridor.

4 “(ii) AREA WITH A POPULATION OF
5 LESS THAN 500,000.—In an urbanized area
6 with a population of less than 500,000 in-
7 dividuals, the State, in consultation with
8 the representative metropolitan planning
9 organization, may designate a freight facil-
10 ity or corridor within the borders of the
11 State as a critical urban freight corridor.

12 “(iii) DESIGNATION.—A designation
13 may be made under subparagraph (i) or
14 (ii) if the facility or corridor is in an ur-
15 banized area, regardless of population, and
16 such facility or corridor—

17 “(I) provides access to the pri-
18 mary highway freight system, the
19 Interstate system, or an intermodal
20 freight facility;

21 “(II) is located within a corridor
22 of a route on the primary highway
23 freight system and provides an alter-
24 native option important to goods
25 movement;

1 “(III) serves a major freight gen-
2 erator, logistics center, or manufac-
3 turing and warehouse industrial land;

4 “(IV) connects to an inter-
5 national port of entry;

6 “(V) provides access to a signifi-
7 cant air, rail, water, or other freight
8 facility in the State; or

9 “(VI) is important to the move-
10 ment of freight within the region, as
11 determined by the metropolitan plan-
12 ning organization or the State.

13 “(D) LIMITATION.—A State may propose
14 additional designations to the National
15 Multimodal Freight Network in the State in an
16 amount that is—

17 “(i) for a highway project, not more
18 than 20 percent of the total mileage des-
19 ignated by the Under Secretary in the
20 State; and

21 “(ii) for a non-highway project, using
22 a limitation determined by the Under Sec-
23 retary.”; and

24 (D) by adding at the end the following:

1 “(5) REQUIRED NETWORK COMPONENTS.—In
2 designating or redesignating the National
3 Multimodal Freight Network, the Under Secretary
4 shall ensure that the National Multimodal Freight
5 Network includes the components described in sub-
6 section (b)(2).”.

7 **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

8 Section 70201(a) of title 49, United States Code, is
9 amended by striking “and local governments” and insert-
10 ing “local governments, metropolitan planning organiza-
11 tions, and the departments with responsibility for environ-
12 mental protection and air quality of the State”.

13 **SEC. 6005. STATE FREIGHT PLANS.**

14 Section 70202(b) of title 49, United States Code, is
15 amended—

16 (1) in paragraph (3)(A) by inserting “and
17 urban” after “rural”;

18 (2) in paragraph (9) by striking “; and” and in-
19 serting a semicolon;

20 (3) by redesignating paragraph (10) as para-
21 graph (12); and

22 (4) by inserting after paragraph (9) the fol-
23 lowing:

24 “(10) strategies and goals to decrease freight-
25 related—

- 1 “(A) greenhouse gas emissions;
- 2 “(B) local air pollution;
- 3 “(C) stormwater runoff or other adverse
- 4 impacts to water quality; and
- 5 “(D) wildlife habitat loss;
- 6 “(11) strategies and goals to decrease any ad-
- 7 verse impact of freight transportation on commu-
- 8 nities located near freight facilities or freight cor-
- 9 ridors; and”.

10 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

11 (a) **STUDY.**—Not later than 90 days after the date

12 of enactment of this Act, the Secretary of Transportation,

13 in consultation with the Secretary of the Treasury and the

14 Commissioner of the Internal Revenue Service, shall es-

15 tablish a joint task force to study the establishment and

16 administration of a fee on multimodal freight surface

17 transportation services.

18 (b) **CONTENTS.**—The study required under sub-

19 section (a) shall include the following:

20 (1) An estimation of the revenue that a fee of

21 up to 1 percent on freight transportation services

22 would raise.

23 (2) An identification of the entities that would

24 be subject to such a fee paid by the owners or sup-

25 pliers of cargo.

1 “(A) conducting proactive outreach to com-
2 munities located outside of metropolitan or
3 micropolitan statistical areas (as such areas are
4 defined by the Office of Management and
5 Budget) using data from the most recent decen-
6 nial Census; and

7 “(B) coordinating with the Office of Rural
8 Development of the Department of Agriculture,
9 the Office of Community Revitalization of the
10 Environmental Protection Agency, and any
11 other agencies that provide technical assistance
12 for rural communities, as determined by the
13 Executive Director;”;

14 (2) by redesignating subsection (j) as sub-
15 section (k); and

16 (3) by inserting after subsection (i) the fol-
17 lowing:

18 “(j) ANNUAL PROGRESS REPORT.—Not later than 1
19 year after the date of enactment of this subsection, and
20 annually thereafter, the Executive Director shall submit
21 to the Committee on Transportation and Infrastructure
22 of the House of Representatives and the Committee on
23 Environment and Public Works of the Senate a report de-
24 tailing—

1 “(1) the use of funds authorized under section
2 605(f) of title 23; and

3 “(2) the progress of the Bureau in carrying out
4 the purposes described in subsection (b).”.

5 **SEC. 6008. LOCAL HIRE.**

6 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
7 tation shall immediately reinstate the local labor hiring
8 pilot program containing the contracting initiative estab-
9 lished by the Secretary and published in the Federal Reg-
10 ister on March 6, 2015 (80 Fed. Reg. 12257), under the
11 same terms, conditions, and requirements as so published.

12 (b) **DURATION.**—The Secretary shall continue the
13 local labor hiring pilot program reinstated under this sec-
14 tion through September 30, 2025.

15 **SEC. 6009. FTE CAP.**

16 The Secretary of Transportation may not employ
17 more than 15 full-time equivalent positions in any fiscal
18 year in the Immediate Office of the Secretary.

19 **SEC. 6010. IDENTIFICATION OF COVID-19 TESTING NEEDS**
20 **OF CRITICAL INFRASTRUCTURE EMPLOYEES.**

21 (a) **IN GENERAL.**—The Secretary of Transportation
22 shall—

23 (1) adopt, for use by the Department of Trans-
24 portation in carrying out response efforts relating to,
25 and operations during, the Coronavirus Disease

1 2019 (COVID–19) pandemic, the categorization of
2 “essential critical infrastructure workers” identified
3 in the Guidance on the Essential Critical Infrastruc-
4 ture Workforce published by the Department of
5 Homeland Security on March 28, 2020 (or a subse-
6 quent version of such guidance); and

7 (2) coordinate with the Director of the Centers
8 for Disease Control and Prevention and the Admin-
9 istrator of the Federal Emergency Management
10 Agency to support efforts of State and local govern-
11 ments to provide for—

12 (A) priority testing of essential critical in-
13 frastructure workers (as such term is used in
14 paragraph (1)) with respect to COVID–19; and

15 (B) priority access to personal protective
16 equipment, sanitizers, nonmedical-grade facial
17 coverings, and other health-related or protective
18 supplies necessary to safely perform essential
19 critical infrastructure work.

20 (b) APPLICATION.—Nothing in this section requires
21 the provision of priority testing or priority access to per-
22 sonal protective equipment for essential critical infrastruc-
23 ture workers (as such term is used in subsection (a)(1))
24 to be prioritized over the provision of that testing or access
25 to personal protective equipment for other individuals who

1 are identified by the Centers for Disease Control and Pre-
2 vention or any other relevant Federal, State, or local agen-
3 cy as having a higher priority for that testing or access
4 to personal protective equipment, including—

- 5 (1) patients;
- 6 (2) healthcare workers; and
- 7 (3) first responders.

8 **TITLE VII—TRANSPORTATION**
9 **INFRASTRUCTURE FINANCE**
10 **AND INNOVATION ACT**

11 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**
12 **AND INNOVATION ACT.**

13 (a) CREDITWORTHINESS.—Section 602(a)(2) of title
14 23, United States Code, is amended—

15 (1) in subparagraph (A)(iv)—

16 (A) by striking “a rating” and inserting
17 “an investment grade rating”; and

18 (B) by striking “\$75,000,000” and insert-
19 ing “\$150,000,000”; and

20 (2) in subparagraph (B)—

21 (A) by striking “the senior debt” and in-
22 serting “senior debt”; and

23 (B) by striking “credit instrument is for
24 an amount less than \$75,000,000” and insert-
25 ing “total amount of other senior debt and the

1 Federal credit instrument is less than
2 \$150,000,000”.

3 (b) NON-FEDERAL SHARE.—Section 603(b) of title
4 23, United States Code, is amended by striking paragraph
5 (8) and inserting the following:

6 “(8) NON-FEDERAL SHARE.—Notwithstanding
7 paragraph (9) and section 117(j)(2), the proceeds of
8 a secured loan under the TIFIA program shall be
9 considered to be part of the non-Federal share of
10 project costs required under this title or chapter 53
11 of title 49, if the loan is repayable from non-Federal
12 funds.”.

13 (c) EXEMPTION OF FUNDS FROM TIFIA FEDERAL
14 SHARE REQUIREMENT.—Section 603(b)(9) of title 23,
15 United States Code, is amended by adding at the end the
16 following:

17 “(C) TERRITORIES.—Funds provided for a
18 territory under section 165(c) shall not be con-
19 sidered Federal assistance for purposes of sub-
20 paragraph (A).”.

21 (d) STREAMLINED APPLICATION PROCESS.—Section
22 603(f) of title 23, United States Code, is amended by add-
23 ing at the end the following:

24 “(3) ADDITIONAL TERMS FOR EXPEDITED DE-
25 CISIONS.—

1 “(A) IN GENERAL.—Not later than 120
2 days after the date of enactment of this para-
3 graph, the Secretary shall implement an expedited
4 decision timeline for public agency borrowers
5 seeking secured loans that meet—

6 “(i) the terms under paragraph (2);

7 and

8 “(ii) the additional criteria described
9 in subparagraph (B).

10 “(B) ADDITIONAL CRITERIA.—The additional
11 criteria referred to in subparagraph
12 (A)(ii) are the following:

13 “(i) The secured loan is made on
14 terms and conditions that substantially
15 conform to the conventional terms and
16 conditions established by the National Surface
17 Transportation Innovative Finance
18 Bureau.

19 “(ii) The secured loan is rated in the
20 A category or higher.

21 “(iii) The TIFIA program share of eligible
22 project costs is 33 percent or less.

23 “(iv) The applicant demonstrates a
24 reasonable expectation that the contracting
25 process for the project can commence by

1 not later than 90 days after the date on
2 which a Federal credit instrument is obli-
3 gated for the project under the TIFIA pro-
4 gram.

5 “(v) The project has received a cat-
6 egorical exclusion, a finding of no signifi-
7 cant impact, or a record of decision under
8 the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.).

10 “(C) WRITTEN NOTICE.—The Secretary
11 shall provide to an applicant seeking a secured
12 loan under the expedited decision process under
13 this paragraph a written notice informing the
14 applicant whether the Secretary has approved
15 or disapproved the application by not later than
16 180 days after the date on which the Secretary
17 submits to the applicant a letter indicating that
18 the National Surface Transportation Innovative
19 Finance Bureau has commenced the credit-
20 worthiness review of the project.”.

21 (e) ASSISTANCE TO SMALL PROJECTS.—Section
22 605(f)(1) of title 23, United States Code, is amended by
23 striking “\$2,000,000” and inserting “\$3,000,000”.

1 (f) APPLICATION PROCESS REPORT.—Section
2 609(b)(2)(A) of title 23, United States Code, is amend-
3 ed—

4 (1) in clause (iv) by striking “and”;

5 (2) in clause (v) by striking the period at the
6 end and inserting “; and”; and

7 (3) by adding at the end the following:

8 “(vi) whether the project is located in
9 a metropolitan statistical area,
10 micropolitan statistical area, or neither (as
11 such areas are defined by the Office of
12 Management and Budget).”.

13 (g) STATUS REPORTS.—Section 609 of title 23,
14 United States Code, is amended by adding at the end the
15 following:

16 “(c) STATUS REPORTS.—

17 “(1) IN GENERAL.—The Secretary shall publish
18 on the website for the TIFIA program—

19 “(A) on a monthly basis, a current status
20 report on all submitted letters of interest and
21 applications received for assistance under the
22 TIFIA program; and

23 “(B) on a quarterly basis, a current status
24 report on all approved applications for assist-
25 ance under the TIFIA program.

1 “(2) INCLUSIONS.—Each monthly and quar-
2 terly status report under paragraph (1) shall in-
3 clude, at a minimum, with respect to each project in-
4 cluded in the status report—

5 “(A) the name of the party submitting the
6 letter of interest or application;

7 “(B) the name of the project;

8 “(C) the date on which the letter of inter-
9 est or application was received;

10 “(D) the estimated project eligible costs;

11 “(E) the type of credit assistance sought;

12 and

13 “(F) the anticipated fiscal year and quar-
14 ter for closing of the credit assistance.”.

15 **DIVISION C—HAZARDOUS** 16 **MATERIALS TRANSPORTATION**

17 **SEC. 8001. SHORT TITLE.**

18 This division may be cited as the “Improving Haz-
19 ardous Materials Safety Act of 2020”.

20 **TITLE I—AUTHORIZATIONS**

21 **SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 5128 of title 49, United States Code, is
23 amended—

24 (1) in subsection (a) by striking paragraphs (1)
25 through (5) and inserting the following:

1 “(1) \$67,000,000 for fiscal year 2021;

2 “(2) \$68,000,000 for fiscal year 2022;

3 “(3) \$69,000,000 for fiscal year 2023;

4 “(4) \$71,000,000 for fiscal year 2024; and

5 “(5) \$72,000,000 for fiscal year 2025;”;

6 (2) in subsection (b)—

7 (A) by striking “fiscal years 2016 through
8 2020” and inserting “fiscal years 2021 through
9 2025”; and

10 (B) by striking “\$21,988,000” and insert-
11 ing “\$24,025,000”;

12 (3) in subsection (c) by striking “\$4,000,000
13 for each of fiscal years 2016 through 2020” and in-
14 serting “\$5,000,000 for each of fiscal years 2021
15 through 2025”;

16 (4) in subsection (d) by striking “\$1,000,000
17 for each of fiscal years 2016 through 2020” and in-
18 serting “\$4,000,000 for each of fiscal years 2021
19 through 2025”;

20 (5) by redesignating subsection (e) as sub-
21 section (f); and

22 (6) by inserting after subsection (d) the fol-
23 lowing:

24 “(e) ASSISTANCE WITH LOCAL EMERGENCY RE-
25 SPONDER TRAINING GRANTS.—From the Hazardous Ma-

1 terials Emergency Preparedness Fund established under
2 section 5116(h), the Secretary may expend \$1,800,000 for
3 each of fiscal years 2021 through 2025 to carry out the
4 grant program under section 5107(j).”.

5 **TITLE II—HAZARDOUS MATE-**
6 **RIALS SAFETY AND IMPROVE-**
7 **MENT**

8 **SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED**
9 **TO LITHIUM CELLS AND BATTERIES.**

10 (a) REPEAL.—Section 828 of the FAA Modernization
11 and Reform Act of 2012 (49 U.S.C. 44701 note), and the
12 item relating to such section in the table of contents in
13 section 1(b) of such Act, are repealed.

14 (b) CONFORMING AMENDMENTS.—Section 333 of the
15 FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)
16 is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “(A) IN GENERAL.—”
20 and all that follows through “the Sec-
21 retary” and inserting “The Secretary”;
22 and

23 (ii) by striking subparagraph (B); and

24 (B) in paragraph (2) by striking “Pursu-
25 ant to section 828 of the FAA Modernization

1 and Reform Act of 2012 (49 U.S.C. 44701
2 note), the Secretary” and inserting “The Sec-
3 retary”;

4 (2) by striking paragraph (4) of subsection (b);

5 and

6 (3) by striking paragraph (1) of subsection (h)

7 and inserting the following:

8 “(1) ICAO TECHNICAL INSTRUCTIONS.—The
9 term ‘ICAO Technical Instructions’ means the Inter-
10 national Civil Aviation Organization Technical In-
11 structions for the Safe Transport of Dangerous
12 Goods by Air.”.

13 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**
14 **BY RAIL TANK CAR.**

15 (a) EVALUATION.—Not later than 120 days after the
16 date of enactment of this Act, the Administrator of the
17 Federal Railroad Administration, in coordination with the
18 Administrator of the Pipeline and Hazardous Materials
19 Safety Administration, shall initiate an evaluation of the
20 safety, security, and environmental risks of transporting
21 liquefied natural gas by rail.

22 (b) TESTING.—In conducting the evaluation under
23 subsection (a), the Administrator of the Federal Railroad
24 Administration shall—

1 (1) perform physical testing of rail tank cars,
2 including, at a minimum, the DOT–113 specifica-
3 tion, to evaluate the performance of such rail tank
4 cars in the event of an accident or derailment, in-
5 cluding evaluation of the extent to which design and
6 construction features such as steel thickness and
7 valve protections prevent or mitigate the release of
8 liquefied natural gas;

9 (2) analyze multiple release scenarios, including
10 derailments, front-end collisions, rear-end collisions,
11 side-impact collisions, grade-crossing collisions,
12 punctures, and impact of an incendiary device, at a
13 minimum of 3 speeds of travel with a sufficient
14 range of speeds to evaluate the safety, security, and
15 environmental risks posed under real-world oper-
16 ating conditions; and

17 (3) examine the effects of exposure to climate
18 conditions across rail networks, including tempera-
19 ture, humidity, and any other factors that the Ad-
20 ministrator of the Federal Railroad Administration
21 determines could influence performance of rail tank
22 cars and components of such rail tank cars.

23 (c) OTHER FACTORS TO CONSIDER.—In conducting
24 the evaluation under subsection (a), the Administrator of
25 the Federal Railroad Administration shall evaluate the im-

1 pact of a discharge of liquefied natural gas from a rail
2 tank car on public safety and the environment, and con-
3 sider—

4 (1) the benefits of route restrictions, speed re-
5 strictions, enhanced brake requirements, personnel
6 requirements, rail tank car technological require-
7 ments, and other operating controls;

8 (2) the advisability of consist restrictions, in-
9 cluding limitations on the arrangement and quantity
10 of rail tank cars carrying liquefied natural gas in
11 any given consist;

12 (3) the identification of potential impact areas,
13 and the number of homes and structures potentially
14 endangered by a discharge in rural, suburban, and
15 urban environments;

16 (4) the impact of discharge on the environment,
17 including air quality impacts;

18 (5) the benefits of advanced notification to the
19 Department of Transportation, State Emergency
20 Response Commissions, and Tribal Emergency Re-
21 sponse Commissions of routes for moving liquefied
22 natural gas by rail tank car;

23 (6) how first responders respond to an incident,
24 including the extent to which specialized equipment
25 or training would be required and the cost to com-

1 munities for acquiring any necessary equipment or
2 training;

3 (7) whether thermal radiation could occur from
4 a discharge;

5 (8) an evaluation of the rail tank car authorized
6 by the Secretary of Transportation for liquefied nat-
7 ural gas or similar cryogenic liquids, and a deter-
8 mination of whether specific safety enhancements or
9 new standards are necessary to ensure the safety of
10 rail transport of liquefied natural gas; and

11 (9) the risks posed by the transportation of liq-
12 uefied natural gas by International Organization for
13 Standardization containers authorized by the Fed-
14 eral Railroad Administration.

15 (d) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate, and make available to the public—

21 (1) a report based on the evaluation and testing
22 conducted under subsections (a) and (b), which shall
23 include the results of the evaluation and testing and
24 recommendations for mitigating or eliminating the
25 safety, security, environmental, and other risks of an

1 accident or incident involving the transportation of
2 liquefied natural gas by rail; and

3 (2) a complete list of all research related to the
4 transportation of liquefied natural gas by rail con-
5 ducted by the Federal Railroad Administration, the
6 Pipeline and Hazardous Materials Safety Adminis-
7 tration, or any other entity of the Federal Govern-
8 ment since 2010 that includes, for each research
9 item—

10 (A) the title of any reports or studies pro-
11 duced with respect to the research;

12 (B) the agency, entity, or organization per-
13 forming the research;

14 (C) the names of all authors and co-au-
15 thors of any report or study produced with re-
16 spect to the research; and

17 (D) the date any related report was pub-
18 lished or is expected to publish.

19 (e) DATA COLLECTION.—The Administrator of the
20 Federal Railroad Administration and the Administrator of
21 the Pipeline and Hazardous Materials Safety Administra-
22 tion shall collect any relevant data or records necessary
23 to complete the evaluation required by subsection (a).

24 (f) GAO REPORT.—After the evaluation required by
25 subsection (a) has been completed, the Comptroller Gen-

1 eral of the United States shall conduct an independent
2 evaluation to verify that the Federal Railroad Administra-
3 tion and the Pipeline and Hazardous Materials Safety Ad-
4 ministration complied with the requirements of this Act,
5 and transmit to the Committee on Transportation and In-
6 frastructure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate a report on the findings of such independent eval-
9 uation.

10 (g) CONGRESSIONAL REVIEW REQUIREMENTS.—

11 (1) REVIEW PERIOD DEFINED.—In this sub-
12 section, the term “review period” means the period
13 beginning on the date of enactment of this Act and
14 ending on the earlier of—

15 (A) the date that is 1 year after the date
16 of completion of the report under subsection (f);
17 or

18 (B) the date that is 4 years after the date
19 of enactment of this Act.

20 (2) CONGRESSIONAL AUTHORITY.—The Sec-
21 retary of Transportation—

22 (A) may not issue any regulation author-
23 izing the transportation of liquefied natural gas
24 by rail tank car or authorize such transpor-
25 tation through issuance of a special permit or

1 approval before the conclusion of the review pe-
2 riod; and

3 (B) shall rescind any special permit or ap-
4 proval for the transportation of liquefied nat-
5 ural gas by rail tank car issued before the date
6 of enactment of this Act.

7 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**
8 **MENTS AND GRANTS.**

9 Section 5107 of title 49, United States Code, is
10 amended by adding at the end the following:

11 “(j) ASSISTANCE WITH LOCAL EMERGENCY RE-
12 SPONDER TRAINING.—The Secretary shall make grants to
13 nonprofit organizations to develop hazardous materials re-
14 sponse training for emergency responders and make such
15 training available electronically or in person.”.

16 **DIVISION D—RAIL**

17 **SEC. 9001. SHORT TITLE.**

18 This division may be cited as the “Transforming Rail
19 by Accelerating Investment Nationwide Act” or the
20 “TRAIN Act”.

21 **TITLE I—AUTHORIZATIONS**

22 **SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) AUTHORIZATION OF GRANTS TO AMTRAK.—

24 (1) NORTHEAST CORRIDOR.—There are author-
25 ized to be appropriated to the Secretary for the use

1 of Amtrak for activities associated with the North-
2 east Corridor the following amounts:

3 (A) For fiscal year 2021, \$2,900,000,000.

4 (B) For fiscal year 2022, \$2,700,000,000.

5 (C) For fiscal year 2023, \$2,500,000,000.

6 (D) For fiscal year 2024, \$2,500,000,000.

7 (E) For fiscal year 2025, \$2,500,000,000.

8 (2) NATIONAL NETWORK.—There are author-
9 ized to be appropriated to the Secretary for the use
10 of Amtrak for activities associated with the National
11 Network the following amounts:

12 (A) For fiscal year 2021, \$3,500,000,000.

13 (B) For fiscal year 2022, \$3,300,000,000.

14 (C) For fiscal year 2023, \$3,100,000,000.

15 (D) For fiscal year 2024, \$2,900,000,000.

16 (E) For fiscal year 2025, \$2,900,000,000.

17 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
18 retary may withhold up to \$15,000,000 for each of fiscal
19 years 2021 through 2025 from the amounts made avail-
20 able under subsection (a) for Amtrak grant expenditure
21 oversight.

22 (c) AMTRAK COMMON BENEFIT COSTS FOR STATE-
23 SUPPORTED ROUTES.—For any fiscal year in which funds
24 are made available under subsection (a)(2) in excess of
25 the amounts authorized for fiscal year 2020 under section

1 11101(b) of the FAST Act (114–94), Amtrak shall use
2 up to \$300,000,000 of the excess funds to defray the share
3 of operating costs of Amtrak’s national assets (as such
4 term is defined in section 24320(c)(5) of title 49, United
5 States Code) and corporate services (as such term is de-
6 fined pursuant to section 24317(b) of title 49, United
7 States Code) that is allocated to the State-supported serv-
8 ices.

9 (d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the
10 funds made available under subsection (a)(2), the Sec-
11 retary may make available up to \$3,000,000 for each fis-
12 cal year for the State-Supported Route Committee estab-
13 lished under section 24712 of title 49, United States Code.

14 (e) NORTHEAST CORRIDOR COMMISSION.—Of the
15 funds made available under subsection (a)(1), the Sec-
16 retary may make available up to \$6,000,000 for each fis-
17 cal year for the Northeast Corridor Commission estab-
18 lished under section 24905 of title 49, United States Code.

19 (f) AUTHORIZATION OF APPROPRIATIONS FOR AM-
20 TRAK OFFICE OF INSPECTOR GENERAL.—There are au-
21 thorized to be appropriated to the Office of Inspector Gen-
22 eral of Amtrak the following amounts:

- 23 (1) For fiscal year 2021, \$26,500,000.
24 (2) For fiscal year 2022, \$27,000,000.
25 (3) For fiscal year 2023, \$27,500,000.

1 (4) For fiscal year 2024, \$28,000,000.

2 (5) For fiscal year 2025, \$28,500,000.

3 (g) PASSENGER RAIL IMPROVEMENT, MODERNIZA-
4 TION, AND ENHANCEMENT GRANTS.—There are author-
5 ized to be appropriated to the Secretary to carry out sec-
6 tion 22906 of title 49, United States Code, the following
7 amounts:

8 (1) For fiscal year 2021, \$3,800,000,000.

9 (2) For fiscal year 2022, \$3,800,000,000.

10 (3) For fiscal year 2023, \$3,800,000,000.

11 (4) For fiscal year 2024, \$3,800,000,000.

12 (5) For fiscal year 2025, \$3,800,000,000.

13 (h) CONSOLIDATED RAIL INFRASTRUCTURE AND
14 SAFETY IMPROVEMENTS.—

15 (1) IN GENERAL.—There are authorized to be
16 appropriated to the Secretary to carry out section
17 22907 of title 49, United States Code, the following
18 amounts:

19 (A) For fiscal year 2021, \$1,400,000,000.

20 (B) For fiscal year 2022, \$1,400,000,000.

21 (C) For fiscal year 2023, \$1,400,000,000.

22 (D) For fiscal year 2024, \$1,400,000,000.

23 (E) For fiscal year 2025, \$1,400,000,000.

24 (2) PROJECT MANAGEMENT OVERSIGHT.—The
25 Secretary may withhold up to 1 percent from the

1 amount appropriated under paragraph (1) for the
2 costs of project management oversight of grants car-
3 ried out under section 22907 of title 49, United
4 States Code.

5 (i) RAILROAD REHABILITATION AND IMPROVEMENT
6 FINANCING.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated to the Secretary for payment of credit
9 risk premiums in accordance with section 9104 of
10 this division and section 502 of the Railroad Revital-
11 ization and Regulatory Reform Act of 1976 (45
12 U.S.C. 822) \$130,000,000 for each of fiscal years
13 2021 through 2025, to remain available until ex-
14 pended.

15 (2) REFUND OF PREMIUM.—There are author-
16 ized to be appropriated to the Secretary
17 \$70,000,000 to repay the credit risk premium under
18 section 502 of the Railroad Revitalization and Regu-
19 latory Reform Act of 1976 (45 U.S.C. 822) in ac-
20 cordance with section 9104.

21 (j) RESTORATION AND ENHANCEMENT GRANTS.—

22 (1) IN GENERAL.—There are authorized to be
23 appropriated to the Secretary to carry out section
24 22908 of title 49, United States Code, \$20,000,000
25 for each of fiscal years 2021 through 2025.

1 (2) PROJECT MANAGEMENT OVERSIGHT.—The
2 Secretary may withhold up to 1 percent from the
3 amount appropriated under paragraph (1) for the
4 costs of project management oversight of grants car-
5 ried out under section 22908 of title 49, United
6 States Code.

7 (k) GRADE CROSSING SEPARATION GRANTS.—

8 (1) IN GENERAL.—There are authorized to be
9 appropriated to the Secretary to carry out section
10 20171 of title 49, United States Code, (as added by
11 section 9551 of this Act) the following amounts:

12 (1) For fiscal year 2021, \$450,000,000.

13 (2) For fiscal year 2022, \$475,000,000.

14 (3) For fiscal year 2023, \$500,000,000.

15 (4) For fiscal year 2024, \$525,000,000.

16 (5) For fiscal year 2025, \$550,000,000.

17 (2) PROJECT MANAGEMENT OVERSIGHT.—The
18 Secretary may withhold up to 1 percent from the
19 amount appropriated under paragraph (1) for the
20 costs of project management oversight of grants car-
21 ried out under section 20171 of title 49, United
22 States Code.

23 (l) RAIL SAFETY PUBLIC AWARENESS GRANTS.—Of
24 the amounts made available under subsection (k), the Sec-
25 retary shall make available \$5,000,000 for each of fiscal

1 years 2021 through 2025 to carry out section 20172 of
2 title 49, United States Code, (as added by section 9552
3 of this Act).

4 (m) AUTHORIZATION OF APPROPRIATIONS TO THE
5 FEDERAL RAILROAD ADMINISTRATION.—Section 20117
6 of title 49, United States Code, is amended to read as
7 follows:

8 **“§ 20117. Authorization of appropriations**

9 “(a) SAFETY AND OPERATIONS.—

10 “(1) IN GENERAL.—There are authorized to be
11 appropriated to the Secretary of Transportation for
12 the operations of the Federal Railroad Administra-
13 tion and to carry out railroad safety activities au-
14 thORIZED or delegated to the Administrator—

15 “(A) \$229,000,000 for fiscal year 2021.

16 “(B) \$231,000,000 for fiscal year 2022;

17 “(C) \$233,000,000 for fiscal year 2023;

18 “(D) \$235,000,000 for fiscal year 2024;

19 and

20 “(E) \$237,000,000 for fiscal year 2025.

21 “(2) AUTOMATED TRACK INSPECTION PROGRAM
22 AND DATA ANALYSIS.—From the funds made avail-
23 able under paragraph (1) for each of fiscal years
24 2021 through 2025, not more than \$17,000,000
25 may be expended for the Automated Track Inspec-

1 tion Program and data analysis related to track in-
2 spection. Such funds shall remain available until ex-
3 pended.

4 “(3) STATE PARTICIPATION GRANTS.—Amounts
5 made available under paragraph (1) for grants
6 under section 20105(e) shall remain available until
7 expended.

8 “(b) RAILROAD RESEARCH AND DEVELOPMENT.—

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated to the Sec-
11 retary of Transportation for necessary expenses for
12 carrying out railroad research and development ac-
13 tivities the following amounts which shall remain
14 available until expended:

15 “(A) \$42,000,000 for fiscal year 2021.

16 “(B) \$44,000,000 for fiscal year 2022.

17 “(C) \$46,000,000 for fiscal year 2023.

18 “(D) \$48,000,000 for fiscal year 2024.

19 “(E) \$50,000,000 for fiscal year 2025.

20 “(2) STUDY ON LNG BY RAIL.—From the
21 amounts made available for fiscal years 2021
22 through 2025 under paragraph (1), the Secretary
23 shall expend not less than \$6,000,000 and not more
24 than \$8,000,000 to carry out the evaluation of

1 transporting liquefied natural gas by rail under sec-
2 tion 8202 of the TRAIN Act.

3 “(3) STUDY ON SAFETY CULTURE ASSESS-
4 MENTS.—From the amounts made available for fis-
5 cal year 2021 under paragraph (1), the Secretary
6 shall expend such sums as are necessary to carry out
7 the study on safety culture assessments under sec-
8 tion 9517 of the TRAIN Act.

9 “(4) SHORT LINE SAFETY.—From funds made
10 available under paragraph (1) for each of fiscal
11 years 2021 through 2025, the Secretary may expend
12 not more than \$4,000,000—

13 “(A) for grants to improve safety practices
14 and training for Class II and Class III freight
15 railroads; and

16 “(B) to develop safety management sys-
17 tems for Class II and Class III freight railroads
18 through safety culture assessments, training
19 and education, outreach activities, and technical
20 assistance.”.

21 (n) FATIGUE REDUCTION PILOT PROJECTS.—There
22 are authorized to be appropriated to the Secretary for
23 costs associated with carrying out section 21109(e) of title
24 49, United States Code, \$200,000 to remain available
25 until expended.

1 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**
2 **TION, AND EXPANSION GRANTS.**

3 (a) IN GENERAL.—Section 22906 of title 49, United
4 States Code, is amended to read as follows:

5 **“§ 22906. Passenger rail improvement, modernization,**
6 **and expansion grants**

7 “(a) ESTABLISHMENT.—The Secretary of Transpor-
8 tation shall establish a program to make grants for capital
9 projects that improve the state of good repair, operational
10 performance, or growth of intercity rail passenger trans-
11 portation.

12 “(b) PROJECT SELECTION CRITERIA.—

13 “(1) IN GENERAL.—Capital projects eligible for
14 a grant under this section include—

15 “(A) a project to replace, rehabilitate, or
16 repair a major infrastructure asset used for
17 providing passenger rail service to bring such
18 infrastructure asset into a state of good repair;

19 “(B) a project to improve passenger rail
20 performance, including congestion mitigation,
21 reliability improvements, achievement of on-
22 time performance standards established under
23 section 207 of the Rail Safety Improvement Act
24 of 2008 (49 U.S.C. 24101 note), reduced trip
25 times, increased train frequencies, higher oper-

1 ating speeds, electrification, and other improve-
2 ments, as determined by the Secretary; and

3 “(C) a project to repair, rehabilitate, re-
4 place, or build infrastructure to expand or es-
5 tablish intercity rail passenger transportation
6 and facilities, including high-speed rail.

7 “(2) REQUIREMENTS.—To be eligible for a
8 grant under this section, an applicant shall have, or
9 provide documentation of a credible plan to
10 achieve—

11 “(A) the legal, financial, and technical ca-
12 pacity to carry out the project;

13 “(B) satisfactory continuing control over
14 the use of the equipment or facilities that are
15 the subject of the project; and

16 “(C) an agreement in place for mainte-
17 nance of such equipment or facilities.

18 “(3) PRIORITY.—In selecting an applicant for a
19 grant under this section, the Secretary shall give
20 preference to capital projects that—

21 “(A) are supported by multiple States or
22 are included in a regional planning process; or

23 “(B) achieve environmental benefits such
24 as a reduction in greenhouse gas emissions or
25 an improvement in local air quality.

1 “(4) ADDITIONAL CONSIDERATIONS.—In select-
2 ing an applicant for a grant under this section, the
3 Secretary shall consider—

4 “(A) the cost-benefit analysis of the pro-
5 posed project, including anticipated public bene-
6 fits relative to the costs of the proposed project,
7 including—

8 “(i) effects on system and service per-
9 formance;

10 “(ii) effects on safety, competitive-
11 ness, reliability, trip or transit time, and
12 resilience;

13 “(iii) impacts on the overall transpor-
14 tation system, including efficiencies from
15 improved integration with other modes of
16 transportation or benefits associated with
17 achieving modal shifts; and

18 “(iv) the ability to meet existing or
19 anticipated passenger or service demand;

20 “(B) the applicant’s past performance in
21 developing and delivering similar projects;

22 “(C) if applicable, the consistency of the
23 project with planning guidance and documents
24 set forth by the Secretary or required by law;
25 and

1 “(D) if applicable, agreements between all
2 stakeholders necessary for the successful deliv-
3 ery of the project.

4 “(c) NORTHEAST CORRIDOR PROJECTS.—Of the
5 funds made available to carry out this section, not less
6 than 40 percent shall be made available for projects in-
7 cluded in the Northeast Corridor investment plan required
8 under section 24904.

9 “(d) NATIONAL PROJECTS.—Of the funds made
10 available to carry out this section, not less than 40 percent
11 shall be made available for—

12 “(1) projects on the National Network;

13 “(2) high-speed rail projects; and

14 “(3) the establishment of new passenger rail
15 corridors not located on the Northeast Corridor.

16 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

17 “(1) TOTAL PROJECT COST ESTIMATE.—The
18 Secretary shall estimate the total cost of a project
19 under this section based on the best available infor-
20 mation, including engineering studies, studies of eco-
21 nomic feasibility, environmental analyses, and infor-
22 mation on the expected use of equipment or facili-
23 ties.

1 “(2) FEDERAL SHARE.—The Federal share of
2 total costs for a project under this section shall not
3 exceed 90 percent.

4 “(3) TREATMENT OF REVENUE.—Applicants
5 may use ticket and other revenues generated from
6 operations and other sources to satisfy the non-Fed-
7 eral share requirements.

8 “(f) LETTERS OF INTENT.—

9 “(1) IN GENERAL.—The Secretary shall, to the
10 maximum extent practicable, issue a letter of intent
11 to a recipient of a grant under this section that—

12 “(A) announces an intention to obligate,
13 for a major capital project under this section,
14 an amount that is not more than the amount
15 stipulated as the financial participation of the
16 Secretary in the project; and

17 “(B) states that the contingent commit-
18 ment—

19 “(i) is not an obligation of the Fed-
20 eral Government; and

21 “(ii) is subject to the availability of
22 appropriations for grants under this sec-
23 tion and subject to Federal laws in force or
24 enacted after the date of the contingent
25 commitment.

1 “(2) CONGRESSIONAL NOTIFICATION.—

2 “(A) IN GENERAL.—Not later than 3 days
3 before issuing a letter of intent under para-
4 graph (1), the Secretary shall submit written
5 notification to—

6 “(i) the Committee on Transportation
7 and Infrastructure of the House of Rep-
8 resentatives;

9 “(ii) the Committee on Appropriations
10 of the House of Representatives;

11 “(iii) the Committee on Appropria-
12 tions of the Senate; and

13 “(iv) the Committee on Commerce,
14 Science, and Transportation of the Senate.

15 “(B) CONTENTS.—The notification sub-
16 mitted under subparagraph (A) shall include—

17 “(i) a copy of the letter of intent;

18 “(ii) the criteria used under sub-
19 section (b) for selecting the project for a
20 grant; and

21 “(iii) a description of how the project
22 meets such criteria.

23 “(g) APPROPRIATIONS REQUIRED.—An obligation or
24 administrative commitment may be made under this sec-

1 tion only when amounts are appropriated for such pur-
2 pose.

3 “(h) GRANT ADMINISTRATION.—The Secretary may
4 withhold up to 1 percent of the total amount made avail-
5 able to carry out this section for program oversight and
6 management, including providing technical assistance and
7 project planning guidance.

8 “(i) REGIONAL PLANNING GUIDANCE.—The Sec-
9 retary may withhold up to half a percent of the total
10 amount made available to carry out this section to facili-
11 tate and provide guidance for regional planning processes.

12 “(j) AVAILABILITY.—Amounts made available to
13 carry out this section shall remain available until ex-
14 pended.

15 “(k) GRANT CONDITIONS.—Except as specifically
16 provided in this section, the use of any amounts appro-
17 priated for grants under this section shall be subject to
18 the grant conditions under section 22905, except that the
19 domestic buying preferences of section 24305(f) shall
20 apply to grants provided to Amtrak in lieu of the require-
21 ments of section 22905(a).

22 “(l) DEFINITIONS.—In this section:

23 “(1) APPLICANT.—The term ‘applicant’
24 means—

25 “(A) a State;

1 “(B) a group of States;

2 “(C) an Interstate Compact;

3 “(D) a public agency or publicly chartered
4 authority established by 1 or more States;

5 “(E) a political subdivision of a State; or

6 “(F) Amtrak, acting on its own behalf or
7 under a cooperative agreement with 1 or more
8 States.

9 “(2) CAPITAL PROJECT.—The term ‘capital
10 project’ means—

11 “(A) acquisition, construction, replace-
12 ment, rehabilitation, or repair of major infra-
13 structure assets or equipment that benefit
14 intercity rail passenger transportation, includ-
15 ing tunnels, bridges, stations, track, electrifica-
16 tion, grade crossings, passenger rolling stock,
17 and other assets, as determined by the Sec-
18 retary;

19 “(B) projects that ensure service can be
20 maintained while existing assets are rehabili-
21 tated or replaced; and

22 “(C) project planning, development, de-
23 sign, and environmental analysis related to
24 projects under subsections (A) and (B).

1 “(12) A commuter authority (as such term is
2 defined in section 24102).

3 “(13) The District of Columbia.”;

4 (2) in subsection (c)—

5 (A) in paragraph (1) by inserting “, main-
6 tenance, and upgrades” after “Deployment”;

7 (B) in paragraph (2) by striking “as de-
8 fined in section 22901(2), except that a project
9 shall not be required to be in a State rail plan
10 developed under chapter 227”;

11 (C) in paragraph (3) by inserting “or safe-
12 ty” after “address congestion”;

13 (D) in paragraph (4) by striking “identi-
14 fied by the Secretary” and all that follows
15 through “rail transportation” and inserting “to
16 reduce congestion, improve service, or facilitate
17 ridership growth in intercity rail passenger
18 transportation and commuter rail passenger
19 transportation (as such term is defined in sec-
20 tion 24102)”;

21 (E) in paragraph (5) by inserting “or to
22 establish new quiet zones” before the period at
23 the end; and

24 (F) in paragraph (9) by inserting “or com-
25 muter rail passenger transportation (as such

1 term is defined in section 24102)” after “be-
2 tween intercity rail passenger transportation”;

3 (3) in subsection (e) by striking paragraph (1)
4 and inserting the following:

5 “(1) IN GENERAL.—In selecting a recipient of
6 a grant for an eligible project, the Secretary shall
7 give preference to—

8 “(A) projects that will maximize the net
9 benefits of the funds made available for use
10 under this section, considering the cost-benefit
11 analysis of the proposed project, including an-
12 ticipated private and public benefits relative to
13 the costs of the proposed project and factoring
14 in the other considerations described in para-
15 graph (2); and

16 “(B) projects that benefit a station that—

17 “(i) serves Amtrak and commuter rail;

18 “(ii) is listed amongst the 25 stations
19 with highest ridership in the most recent
20 Amtrak Company Profile; and

21 “(iii) has support from both Amtrak
22 and the provider of commuter rail pas-
23 senger transportation servicing the sta-
24 tion.”;

1 (4) in subsection (l) by striking “Secretary
2 shall” and inserting “Secretary may”;

3 (5) by redesignating subsections (i), (j), (k),
4 and (l) as subsections (k), (l), (m), and (n), respec-
5 tively; and

6 (6) by inserting after subsection (h) the fol-
7 lowing:

8 “(i) LARGE PROJECTS.—Of the amounts made avail-
9 able under this section, at least 50 percent shall be for
10 projects that have total project costs of greater than
11 \$100,000,000.

12 “(j) COMMUTER RAIL.—

13 “(1) ADMINISTRATION OF FUNDS.—The
14 amounts awarded under this section for commuter
15 rail passenger transportation projects shall be trans-
16 ferred by the Secretary, after selection, to the Fed-
17 eral Transit Administration for administration of
18 funds in accordance with chapter 53.

19 “(2) GRANT CONDITION.—

20 “(A) IN GENERAL.—As a condition of re-
21 ceiving a grant under this section that is used
22 to acquire, construct, or improve railroad right-
23 of-way or facilities, any employee covered by the
24 Railway Labor Act (45 U.S.C. 151 et seq.) and
25 the Railroad Retirement Act of 1974 (45

1 U.S.C. 231 et seq.) who is adversely affected by
2 actions taken in connection with the project fi-
3 nanced in whole or in part by such grant shall
4 be covered by employee protective arrangements
5 established under section 22905(e).

6 “(B) APPLICATION OF PROTECTIVE AR-
7 RANGEMENT.—The grant recipient and the suc-
8 cessors, assigns, and contractors of such recipi-
9 ent shall be bound by the protective arrange-
10 ments required under subparagraph (A). Such
11 recipient shall be responsible for the implemen-
12 tation of such arrangement and for the obliga-
13 tions under such arrangement, but may arrange
14 for another entity to take initial responsibility
15 for compliance with the conditions of such ar-
16 rangement.

17 “(3) APPLICATION OF LAW.—Subsections (g)
18 and (f)(1) of section 22905 shall not apply to grants
19 awarded under this section for commuter rail pas-
20 senger transportation projects.

21 “(k) DEFINITION OF CAPITAL PROJECT.—In this
22 section, the term ‘capital project’ means a project or pro-
23 gram for—

24 “(1) acquiring, constructing, improving, or in-
25 specting equipment, track and track structures, or a

1 facility, expenses incidental to the acquisition or con-
2 struction (including designing, engineering, location
3 surveying, mapping, environmental studies, and ac-
4 quiring rights-of-way), payments for the capital por-
5 tions of rail trackage rights agreements, highway-
6 rail grade crossing improvements, mitigating envi-
7 ronmental impacts, communication and signalization
8 improvements, relocation assistance, acquiring re-
9 placement housing sites, and acquiring, constructing,
10 relocating, and rehabilitating replacement housing;

11 “(2) rehabilitating, remanufacturing, or over-
12 hauling rail rolling stock and facilities;

13 “(3) costs associated with developing State rail
14 plans; and

15 “(4) the first-dollar liability costs for insurance
16 related to the provision of intercity passenger rail
17 service under section 22904.

18 **SEC. 9104. RAILROAD REHABILITATION AND IMPROVE-**
19 **MENT FINANCING.**

20 Section 502 of the Railroad Revitalization and Regu-
21 latory Reform Act of 1976 (45 U.S.C. 822) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A) by inserting

25 “civil works such as cuts and fills, stations,

1 tunnels,” after “components of track,”;
2 and

3 (ii) in subparagraph (D) by inserting
4 “, permitting,” after “reimburse plan-
5 ning”; and

6 (B) by striking paragraph (3);

7 (2) in subsection (f)—

8 (A) in paragraph (3) by adding at the end
9 the following:

10 “(D) A projection of freight or passenger
11 demand for the project based on regionally de-
12 veloped economic forecasts, including projec-
13 tions of any modal diversion resulting from the
14 project.”; and

15 (B) in paragraph (4)—

16 (i) by inserting “In the case of an ap-
17 plicant seeking a loan that is less than 50
18 percent of the total cost of the project, half
19 of the credit risk premiums under this sub-
20 section shall be paid to the Secretary be-
21 fore the disbursement of loan amounts and
22 the remaining half shall be paid to the Sec-
23 retary in equal amounts semiannually and
24 fully paid not later than 10 years after the

1 first loan disbursement is executed.” after
2 “modifications thereof.”;

3 (ii) by striking “Credit risk pre-
4 miums” and inserting “(A) TIMING OF
5 PAYMENT.—Credit risk premiums”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(B) PAYMENT OF CREDIT RISK PRE-
9 MIUMS.—

10 “(i) IN GENERAL.—In granting assist-
11 ance under this section, the Secretary may
12 pay credit risk premiums required under
13 paragraph (3) for entities described in
14 paragraphs (1) through (3) of subsection
15 (a), in whole or in part, with respect to a
16 loan or loan guarantee.

17 “(ii) SET-ASIDE.—Of the amounts
18 made available for payments for a fiscal
19 year under clause (i), the Secretary shall
20 reserve \$125,000,000 for payments for
21 passenger rail projects, to remain available
22 until expended.

23 “(C) REFUND OF PREMIUM.—The Sec-
24 retary shall repay the credit risk premium of
25 each loan in cohort 3, as defined by the memo-

1 random to the Office of Management and
2 Budget of the Department of Transportation
3 dated November 5, 2018, with interest accrued
4 thereon, not later than 60 days after the date
5 on which all obligations attached to each such
6 loan have been satisfied. For each such loan for
7 which obligations have been satisfied as of the
8 date of enactment of the TRAIN Act, the Sec-
9 retary shall repay the credit risk premium of
10 each such loan, with interest accrued thereon,
11 not later than 60 days after the date of the en-
12 actment of such Act.”; and

13 (3) by adding at the end the following:

14 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
15 provided under this section may be used as the non-Fed-
16 eral share of project costs under this title or chapter 53
17 of title 49 if such loan is repayable from non-Federal
18 funds.”.

19 **SEC. 9105. BUY AMERICA.**

20 Section 22905(a) of title 49, United States Code, is
21 amended—

22 (1) in paragraph (2)—

23 (A) in subparagraph (B) by adding “or” at
24 the end;

25 (B) by striking subparagraph (C); and

1 (C) by redesignating subparagraph (D) as
2 subparagraph (C);

3 (2) by striking paragraph (4) and inserting the
4 following:

5 “(4)(A) If the Secretary receives a request for
6 a waiver under paragraph (2), the Secretary shall
7 provide notice of and an opportunity for public com-
8 ment on the request at least 30 days before making
9 a finding based on the request.

10 “(B) A notice provided under subparagraph (A)
11 shall—

12 “(i) include the information available to
13 the Secretary concerning the request, including
14 whether the request is being made under sub-
15 paragraph (A), (B), or (C) of paragraph (2);
16 and

17 “(ii) be provided by electronic means, in-
18 cluding on the official public website of the De-
19 partment of Transportation.”;

20 (3) in paragraph (5)—

21 (A) by striking “2012” and inserting
22 “2020, and each year thereafter”; and

23 (B) by inserting “during the preceding fis-
24 cal year” before the period; and

25 (4) by adding at the end the following:

1 “(12) The requirements of this subsection apply
2 to all contracts for a project carried out within the
3 scope of the applicable finding, determination, or de-
4 cisions under the National Environmental Policy Act
5 of 1969 (42 U.S.C. 4321 et seq.), regardless of the
6 funding source for activities carried out pursuant to
7 such contracts, if at least 1 contract for the project
8 is funded with amounts made available to carry out
9 a provision specified in paragraph (1).”.

10 **SEC. 9106. RAIL NETWORK CLIMATE CHANGE VULNER-**
11 **ABILITY ASSESSMENT.**

12 (a) IN GENERAL.—The Secretary of Transportation
13 shall sponsor a study by the National Academies to con-
14 duct an assessment of the potential impacts of climate
15 change on the national rail network.

16 (b) ASSESSMENT.—At a minimum, the assessment
17 conducted pursuant to subsection (a) shall—

18 (1) cover the entire freight and intercity pas-
19 senger rail network of the United States;

20 (2) evaluate risk to the network over 5-, 30-,
21 and 50-year outlooks;

22 (3) examine and describe potential effects of cli-
23 mate change and extreme weather events on pas-
24 senger and freight rail infrastructure, trackage, and
25 facilities, including facilities owned by rail shippers;

1 (4) identify and categorize the assets described
2 in paragraph (3) by vulnerability level and geo-
3 graphic area; and

4 (5) recommend strategies or measures to miti-
5 gate any adverse impacts of climate change, includ-
6 ing emergency preparedness measures and resiliency
7 best practices for infrastructure planning.

8 (c) REPORT.—Not later than 18 months after the
9 date of enactment of this Act, the Secretary shall submit
10 to the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Committee on
12 Commerce, Science, and Transportation of the Senate a
13 report containing the findings of the assessment conducted
14 pursuant to subsection (a).

15 (d) FURTHER COORDINATION.—The Secretary shall
16 make the report publicly available on the website of the
17 Department of Transportation and communicate the re-
18 sults of the assessment with stakeholders.

19 (e) REGULATORY AUTHORITY.—If the Secretary
20 finds in the report required under subsection (c) that reg-
21 ulatory measures are warranted and such measures are
22 otherwise under the existing authority of the Secretary,
23 the Secretary may issue such regulations as are necessary
24 to implement such measures.

1 (f) FUNDING.—From the amounts made available for
2 fiscal year 2021 under section 20117(a) of title 49, United
3 States Code, the Secretary shall expend not less than
4 \$1,000,000 to carry out the study required under subpara-
5 graph (a).

6 **TITLE II—AMTRAK REFORMS**

7 **SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.**

8 Section 24101 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking “, to the extent its
13 budget allows,”; and

14 (ii) by striking “between crowded
15 urban areas and in other areas of” and in-
16 serting “throughout”;

17 (B) in paragraph (2) by striking the period
18 and inserting “, thereby providing additional
19 capacity for the traveling public and widespread
20 air quality benefits.”;

21 (C) in paragraph (4)—

22 (i) by striking “greater” and inserting
23 “high”; and

24 (ii) by striking “to Amtrak to achieve
25 a performance level sufficient to justify ex-

1 pending public money” and inserting “in
2 order to meet the intercity passenger rail
3 needs of the United States”;

4 (D) in paragraph (5)—

5 (i) by inserting “intercity and” after
6 “efficient”; and

7 (ii) by striking “the energy conserva-
8 tion and self-sufficiency” and inserting
9 “addressing climate change, energy con-
10 servation, and self-sufficiency”;

11 (E) in paragraph (6) by striking “through
12 its subsidiary, Amtrak Commuter,”; and

13 (F) by adding at the end the following:

14 “(9) Long-distance intercity passenger rail is
15 an important part of the national transportation sys-
16 tem.

17 “(10) Investments in intercity and commuter
18 rail passenger transportation support jobs that pro-
19 vide a pathway to the middle class.”;

20 (2) in subsection (b) by striking “The” and all
21 that follows through “consistent” and inserting
22 “The mission of Amtrak is to provide a safe, effi-
23 cient, and high-quality national intercity passenger
24 rail system that is trip-time competitive with other
25 intercity travel options, consistent”;

1 (3) in subsection (c)—

2 (A) by striking paragraph (1) and insert-
3 ing the following:

4 “(1) use its best business judgment in acting to
5 maximize the benefits of public funding;”;

6 (B) in paragraph (2)—

7 (i) by striking “minimize Government
8 subsidies by encouraging” and inserting
9 “work with”; and

10 (ii) by striking the semicolon and in-
11 sserting “and improvements to service;”;

12 (C) by striking paragraph (3) and insert-
13 ing the following:

14 “(3) manage the passenger rail network in the
15 interest of public transportation needs, including
16 current and future Amtrak passengers;”;

17 (D) in paragraph (7) by striking “encour-
18 age” and inserting “work with”;

19 (E) in paragraph (11) by striking “and”
20 the last place it appears; and

21 (F) by striking paragraph (12) and insert-
22 ing the following:

23 “(12) utilize and manage resources with a long-
24 term perspective, including sound investments that

1 take into account the overall lifecycle costs of an
2 asset;

3 “(13) ensure that service is accessible and ac-
4 commodating to passengers with disabilities; and

5 “(14) maximize the benefits Amtrak generates
6 for the United States by creating quality jobs and
7 supporting the domestic workforce.”; and

8 (4) by striking subsection (d).

9 **SEC. 9202. AMTRAK STATUS.**

10 Section 24301(a) of title 49, United States Code, is
11 amended—

12 (1) in paragraph (1) by striking “20102(2)”
13 and inserting “20102”; and

14 (2) in paragraph (2) by inserting “serving the
15 public interest in reliable passenger rail service”
16 after “for-profit corporation”.

17 **SEC. 9203. BOARD OF DIRECTORS.**

18 (a) IN GENERAL.—Section 24302 of title 49, United
19 States Code, is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by striking subparagraph (C) and
23 inserting the following:

24 “(C) 8 individuals appointed by the Presi-
25 dent of the United States, by and with the ad-

1 vice and consent of the Senate, with a record of
2 support for national passenger rail service, gen-
3 eral business and financial experience, and
4 transportation qualifications or expertise. Of
5 the individuals appointed—

6 “(i) 1 shall be a Mayor or Governor of
7 a location served by a regularly scheduled
8 Amtrak service on the Northeast Corridor;

9 “(ii) 1 shall be a Mayor or Governor
10 of a location served by a regularly sched-
11 uled Amtrak service that is not on the
12 Northeast Corridor;

13 “(iii) 1 shall be a labor representative
14 of Amtrak employees; and

15 “(iv) 2 shall be individuals with a his-
16 tory of regular Amtrak ridership and an
17 understanding of the concerns of rail pas-
18 sengers.”;

19 (B) in paragraph (2) by inserting “users of
20 Amtrak, including the elderly and individuals
21 with disabilities, and” after “and balanced rep-
22 resentation of”;

23 (C) in paragraph (3) by adding at the end
24 the following: “A member of the Board ap-
25 pointed under clause (i) or (ii) of paragraph

1 (1)(C) shall serve for a term of 5 years or until
2 such member leaves the elected office such
3 member occupied at the time such member was
4 appointed, whichever is first.”; and

5 (D) by striking paragraph (5) and insert-
6 ing the following:

7 “(5) The Secretary and any Governor of a
8 State may be represented at a Board meeting by a
9 designee.”;

10 (2) in subsection (b)—

11 (A) by striking “PAY AND EXPENSES” and
12 inserting “DUTIES, PAY, AND EXPENSES”; and

13 (B) by inserting “Each director must con-
14 sider the well-being of current and future Am-
15 trak passengers, and the public interest in sus-
16 tainable national passenger rail service.” before
17 “Each director not employed by the United
18 States Government or Amtrak”; and

19 (3) by adding at the end the following:

20 “(g) GOVERNOR DEFINED.—In this section, the term
21 ‘Governor’ means the Governor of a State or the Mayor
22 of the District of Columbia and includes the designee of
23 the Governor.”.

24 (b) TIMING OF NEW BOARD REQUIREMENTS.—Be-
25 ginning on the date that is 60 days after the date of enact-

1 ment of this Act, the appointment and membership re-
2 quirements under section 24302 of title 49, United States
3 Code, shall apply to each member of the Board under such
4 section and the term of each current Board member shall
5 end. A member serving on such Board as of the date of
6 enactment of this Act may be reappointed on or after such
7 date subject to the advice and consent of the Senate if
8 such member meets the requirements of such section.

9 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

10 (a) IN GENERAL.—Section 24308(c) of title 49,
11 United States Code, is amended by adding at the end the
12 following: “Notwithstanding section 24103(a) and section
13 24308(f), Amtrak shall have the right to bring an action
14 for equitable or other relief in the United States District
15 Court for the District of Columbia to enforce the pref-
16 erence rights granted under this subsection.”.

17 (b) CONFORMING AMENDMENT.—Section 24103 of
18 title 49, United States Code, is amended by inserting “and
19 section 24308(c)” before “, only the Attorney General”.

20 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
21 **TO AMTRAK.**

22 Section 24308(e) of title 49, United States Code, is
23 amended—

24 (1) by striking paragraph (1) and inserting the
25 following:

1 “(1)(A) When a rail carrier does not agree to
2 allow Amtrak to operate additional trains over any
3 rail line of the carrier on which Amtrak is operating
4 or seeks to operate, Amtrak may submit an applica-
5 tion to the Board for an order requiring the carrier
6 to allow for the operation of the requested trains.
7 Within 90 days of receipt of such application, the
8 Board shall determine whether the additional trains
9 would unreasonably impair freight transportation
10 and—

11 “(i) for a determination that such trains
12 do not unreasonably impair freight transpor-
13 tation, order the rail carrier to allow for the op-
14 eration of such trains on a schedule established
15 by the Board; or

16 “(ii) for a determination that such trains
17 do unreasonably impair freight transportation,
18 initiate a proceeding to determine any addi-
19 tional infrastructure investments required by,
20 or on behalf of, Amtrak.

21 “(B) If Amtrak seeks to resume operation of a
22 train that Amtrak operated during the 5-year period
23 preceding an application described in subparagraph
24 (A), the Board shall apply a presumption that the
25 resumed operation of such train will not unreason-

1 ably impair freight transportation unless the Board
2 finds that there are substantially changed cir-
3 cumstances.”;

4 (2) in paragraph (2)—

5 (A) by striking “The Board shall consider”
6 and inserting “The Board shall”;

7 (B) by striking subparagraph (A) and in-
8 serting the following:

9 “(A) in making the determination under para-
10 graph (1), take into account any infrastructure in-
11 vestments proposed in Amtrak’s application, with
12 the rail carrier having the burden of demonstrating
13 that the additional trains will unreasonably impair
14 the freight transportation; and”;

15 (C) in subparagraph (B) by inserting “con-
16 sider investments described in subparagraph
17 (A) and” after “times,”; and

18 (3) by adding at the end the following:

19 “(4) In a proceeding initiated by the Board
20 under paragraph (1)(B), the Board shall solicit the
21 views of the parties and require the parties to pro-
22 vide any necessary data or information. Not later
23 than 180 days after the date on which the Board
24 makes a determination under paragraph (1)(B), the
25 Board shall issue an order requiring the rail carrier

1 to allow for the operation of the requested trains
2 conditioned upon additional infrastructure or other
3 investments needed to mitigate the unreasonable in-
4 terference. In determining the necessary level of ad-
5 ditional infrastructure or other investments, the
6 Board shall use any criteria, assumptions, and proc-
7 esses it considers appropriate.

8 “(5) The provisions of this subsection shall be
9 in addition to any other statutory or contractual
10 remedies Amtrak may have to obtain the right to op-
11 erate the additional trains.”

12 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

13 (a) IN GENERAL.—Section 28103 of title 49, United
14 States Code, is amended—

15 (1) by redesignating subsection (e) as sub-
16 section (f); and

17 (2) by inserting after subsection (d) the fol-
18 lowing:

19 “(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

20 “(1) IN GENERAL.—Amtrak may not impose a
21 choice-of-forum clause that attempts to preclude a
22 passenger, or a person who purchases a ticket for
23 rail transportation on behalf of a passenger, from
24 bringing a claim against Amtrak in any court of
25 competent jurisdiction, including a court within the

1 jurisdiction of the residence of such passenger in the
2 United States (provided that Amtrak does business
3 within that jurisdiction).

4 “(2) COURT OF COMPETENT JURISDICTION.—
5 Under this subsection, a court of competent jurisdic-
6 tion may not include an arbitration forum.”.

7 (b) EFFECTIVE DATE.—This section, and the amend-
8 ments made by this section, shall apply to any claim that
9 arises on or after the date of enactment of this Act.

10 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

11 (a) ASSESSMENT.—Amtrak shall conduct an assess-
12 ment and review of all Amtrak policies, procedures, proto-
13 cols, and guidelines for compliance with the requirements
14 of the Americans With Disabilities Act of 1990 (42 U.S.C.
15 12101 et seq.).

16 (b) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, Amtrak shall submit to the Com-
18 mittee on Transportation and Infrastructure of the House
19 of Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a report on the
21 results of the assessment conducted under subsection (a).

22 (c) CONTENTS.—The report required under sub-
23 section (b) shall include—

24 (1) a summary of the policies, procedures, pro-
25 tocols, and guidelines reviewed;

1 (2) any necessary changes to such policies, pro-
2 cedures, protocols, and guidelines to ensure compli-
3 ance with the Americans With Disabilities Act of
4 1990 (42 U.S.C. 12101 et seq.), including full com-
5 pliance under such Act for stations and facilities for
6 which Amtrak has responsibility under such Act and
7 consideration of the needs of individuals with disabil-
8 ities when procuring rolling stock; and

9 (3) an implementation plan and timeline for
10 making any such necessary changes.

11 (d) **ENGAGEMENT.**—Amtrak is encouraged to engage
12 with a range of advocates for individuals with disabilities
13 during the assessment conducted under subsection (a),
14 and develop an ongoing and standardized process for en-
15 gagement with advocates for individuals with disabilities.

16 (e) **PERIODIC EVALUATION.**—At least once every 2
17 years, Amtrak shall review and update, as necessary, Am-
18 trak policies, procedures, protocols, and guidelines to en-
19 sure compliance with the Americans With Disabilities Act
20 of 1990 (42 U.S.C. 12101 et seq.).

21 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

22 (a) **IN GENERAL.**—Chapter 243 of title 49, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“§ 24323. Prohibition on smoking on Amtrak trains**

2 “(a) PROHIBITION.—Beginning on the date of enact-
3 ment of the TRAIN Act, Amtrak shall prohibit smoking
4 on board Amtrak trains.

5 “(b) ELECTRONIC CIGARETTES.—

6 “(1) INCLUSION.—The use of an electronic cig-
7 arette shall be treated as smoking for purposes of
8 this section.

9 “(2) ELECTRONIC CIGARETTE DEFINED.—In
10 this section, the term ‘electronic cigarette’ means a
11 device that delivers nicotine or other substances to
12 a user of the device in the form of a vapor that is
13 inhaled to simulate the experience of smoking.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 243 of title 49, United States Code, is amended
16 by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

17 **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**
18 **TRAK.**

19 (a) IN GENERAL.—Section 24712 of title 49, United
20 States Code, is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (4) by striking the first
23 sentence and inserting “The Committee shall
24 define and periodically update the rules and

1 procedures governing the Committee’s pro-
2 ceedings.”; and

3 (B) in paragraph (6)—

4 (i) by striking subparagraph (B) and
5 inserting the following:

6 “(B) PROCEDURES.—The rules and proce-
7 dures implemented under paragraph (4) shall
8 include—

9 “(i) procedures for changing the cost
10 allocation methodology, notwithstanding
11 section 209(b) of the Passenger Rail In-
12 vestment and Improvement Act (49 U.S.C.
13 24101 note); and

14 “(ii) procedures or broad guidelines
15 for conducting financial planning, includ-
16 ing operating and capital forecasting, re-
17 porting, and data sharing and govern-
18 ance.”;

19 (ii) in subparagraph (C)—

20 (I) in clause (i) by striking
21 “and” at the end;

22 (II) in clause (ii) by striking the
23 period at the end and inserting “;
24 and”; and

1 (III) by adding at the end the
2 following:

3 “(iii) promote increased efficiency in
4 Amtrak’s operating and capital activities.”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(D) ANNUAL REVIEW.—Not later than
9 June 30 of each year, the Committee shall pre-
10 pare an evaluation of the cost allocation meth-
11 odology and procedures under subparagraph
12 (B) and transmit such evaluation to the Com-
13 mittee on Transportation and Infrastructure of
14 the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transpor-
16 tation of the Senate.”;

17 (2) in subsection (b)—

18 (A) by inserting “and to the Committee”
19 before “, as well as the planning”; and

20 (B) by inserting before the period at the
21 end the following: “and the Committee. Not
22 later than 180 days after the date of enactment
23 of the TRAIN Act, the Committee shall develop
24 a report that contains the general ledger data
25 and operating statistics from Amtrak’s account-

1 ing systems used to calculate payments to
2 States. Amtrak shall provide to the States and
3 the Committee the report for the prior month
4 not later than 30 days after the last day of
5 each month”;

6 (3) in subsection (e) by inserting “, including
7 incentives to increase revenue, reduce costs, finalize
8 contracts by the beginning of the fiscal year, and re-
9 quire States to promptly make payments for services
10 delivered” before the period;

11 (4) in subsection (f)—

12 (A) in paragraph (1)—

13 (i) by inserting “and annually review
14 and update, as necessary,” after “shall de-
15 velop”; and

16 (ii) by inserting before “The Com-
17 mittee may consult” the following: “The
18 statement shall include a list of capital
19 projects, including infrastructure, fleet,
20 station, and facility initiatives, needed to
21 support the growth of State-supported
22 routes.”;

23 (B) in paragraph (2) by striking “Not
24 later than 2 years” and all that follows through
25 “transmit the statement” and inserting “The

1 Committee shall transmit, not later than March
2 31 of each year, the most recent annual update
3 to the statement”; and

4 (C) by adding at the end the following:

5 “(3) SENSE OF CONGRESS.—It is the sense of
6 Congress that the Committee shall be the forum
7 where Amtrak and States collaborate on the plan-
8 ning, improvement, and development of corridor
9 routes across the National Network. The Committee
10 shall identify obstacles to intercity passenger rail
11 growth and identify solutions to overcome such ob-
12 stacles.”;

13 (5) by redesignating subsections (g) and (h) as
14 subsections (j) and (k), respectively; and

15 (6) by inserting after subsection (f) the fol-
16 lowing:

17 “(g) NEW STATE-SUPPORTED ROUTES.—

18 “(1) CONSULTATION.—In developing a new
19 State-supported route, Amtrak shall consult with the
20 following:

21 “(A) The State or States and local munici-
22 palities where such new service would operate.

23 “(B) Commuter authorities and regional
24 transportation authorities (as such terms are

1 defined in section 24102) in the areas that
2 would be served by the planned route.

3 “(C) Host railroads.

4 “(D) Administrator of the Federal Rail-
5 road Administration.

6 “(E) Other stakeholders, as appropriate.

7 “(2) STATE COMMITMENTS.—Notwithstanding
8 any other provision of law, before beginning con-
9 struction necessary for, or beginning operation of, a
10 State-supported route that is initiated on or after
11 the date of enactment of the TRAIN Act, Amtrak
12 shall enter into a memorandum of understanding, or
13 otherwise secure an agreement, with the State in
14 which such route will operate for sharing—

15 “(A) ongoing operating costs and capital
16 costs in accordance with the cost allocation
17 methodology described under subsection (a); or

18 “(B) ongoing operating costs and capital
19 costs in accordance with the alternative cost al-
20 location schedule described in paragraph (3).

21 “(3) ALTERNATIVE COST ALLOCATION.—Under
22 the alternative cost allocation schedule described in
23 this paragraph, with respect to costs not covered by
24 revenues for the operation of the new State-sup-
25 ported route, Amtrak shall pay—

1 “(A) the share Amtrak otherwise would
2 have paid under the cost allocation methodology
3 under subsection (a); and

4 “(B) a percentage of the share that the
5 State otherwise would have paid under the cost
6 allocation methodology under subsection (a) ac-
7 cording to the following:

8 “(i) Amtrak shall pay up to 100 per-
9 cent of the capital costs necessary to ini-
10 tiate a new State-supported route, includ-
11 ing planning and development, design, and
12 environmental analysis, prior to beginning
13 operations on the new route.

14 “(ii) For the first 2 years of oper-
15 ation, Amtrak shall pay for 100 percent of
16 operating costs and capital costs.

17 “(iii) For the third year of operation,
18 Amtrak shall pay 90 percent of operating
19 costs and capital costs and the State shall
20 pay the remainder.

21 “(iv) For the fourth year of operation,
22 Amtrak shall pay 80 percent of operating
23 costs and capital costs and the State shall
24 pay the remainder

1 “(v) For the fifth year of operation,
2 Amtrak shall pay 50 percent of operating
3 costs and capital costs and the State shall
4 pay the remainder.

5 “(vi) For the sixth year of operation
6 and thereafter, operating costs and capital
7 costs shall be allocated in accordance with
8 the cost allocation methodology described
9 under subsection (a), as applicable.

10 “(4) APPLICATION OF TERMS.—In this sub-
11 section, the terms ‘capital cost’ and ‘operating cost’
12 shall apply in the same manner as such terms apply
13 under the cost allocation methodology developed
14 under subsection (a).

15 “(h) COST ALLOCATION METHODOLOGY AND IMPLE-
16 MENTATION REPORT.—

17 “(1) IN GENERAL.—Not later than 18 months
18 after the date of enactment of the TRAIN Act, the
19 Committee shall submit to the Committee on Trans-
20 portation and Infrastructure of the House of Rep-
21 resentatives and the Committee on Commerce,
22 Science, and Transportation of the Senate a report
23 assessing potential improvements to the cost alloca-
24 tion methodology required and approved under sec-

1 tion 209 of the Passenger Rail Investment and Im-
2 provement Act of 2008 (49 U.S.C. 24101 note).

3 “(2) REPORT CONTENTS.—The report required
4 under paragraph (1) shall—

5 “(A) identify improvements to the cost al-
6 location methodology that would promote—

7 “(i) transparency of route and train
8 costs and revenues;

9 “(ii) facilitation of service and net-
10 work growth;

11 “(iii) improved services for the trav-
12 eling public;

13 “(iv) maintenance or achievement of
14 labor collective bargaining agreements;

15 “(v) increased revenues; and

16 “(vi) reduced costs;

17 “(B) describe the various contracting ap-
18 proaches used in State-supported services be-
19 tween States and Amtrak, including the meth-
20 od, amount, and timeliness of payments for
21 each State-supported service;

22 “(C) evaluate the potential benefits and
23 feasibility, including identifying any necessary
24 statutory changes, of implementing a service
25 pricing model for State-supported routes in lieu

1 of a cost allocation methodology and how such
2 a service pricing model would advance the pri-
3 orities described in subparagraph (A); and

4 “(D) summarize share of costs from the
5 cost allocation methodology that are—

6 “(i) assigned;

7 “(ii) allocated regionally or locally;

8 and

9 “(iii) allocated nationally.

10 “(3) UPDATE TO THE METHODOLOGY.—Not
11 later than 2 years after the implementation of the
12 TRAIN Act, the Committee shall update the meth-
13 odology, if necessary, based on the findings of the
14 report required under paragraph (1).

15 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
16 CHANGES.—Amtrak shall provide an update in the general
17 and legislative annual report under section 24315(b) of
18 planned or proposed changes to State-supported routes,
19 including the introduction of new State-supported routes.
20 In identifying routes to be included in such request, Am-
21 trak shall—

22 “(1) identify the timeframe in which such
23 changes could take effect and whether Amtrak has
24 entered into a commitment with a State under sub-
25 section (g)(2); and

1 “(2) consult with the Committee and any addi-
2 tional States in which proposed routes may operate,
3 not less than 120 days before the annual grant re-
4 quest is transmitted to the Secretary.”.

5 (b) CONFORMING AMENDMENT.—Section
6 24315(b)(1) of title 49, United States Code, is amended—

7 (1) by redesignating subparagraph (B) as sub-
8 paragraph (C);

9 (2) in subparagraph (A) by striking “section
10 24902(b) of this title; and” and inserting “section
11 24902(a) of this title;”; and

12 (3) by inserting after subparagraph (A) the fol-
13 lowing:

14 “(B) shall identify the planned or proposed
15 State-supported routes, as required under sec-
16 tion 24712(i); and”.

17 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

18 (a) DEPARTMENT MISSION.—Not later than 180
19 days after the date of enactment of this Act, Amtrak shall
20 identify the mission of the Amtrak Police Department (in
21 this section referred to as the “Department”), including
22 the scope and priorities of the Department, in mitigating
23 risks to and ensuring the safety and security of Amtrak
24 passengers, employees, trains, stations, facilities, and

1 other infrastructure. In identifying such mission, Amtrak
2 shall consider—

3 (1) the unique needs of maintaining the safety
4 and security of Amtrak’s network; and

5 (2) comparable passenger rail systems and the
6 mission of the police departments of such rail sys-
7 tems.

8 (b) WORKFORCE PLANNING PROCESS.—Not later
9 than 120 days after identifying the mission of the Depart-
10 ment under subsection (a), Amtrak shall develop a work-
11 force planning process that—

12 (1) ensures adequate employment levels and al-
13 location of sworn and civilian personnel, including
14 patrol officers, necessary for fulfilling the Depart-
15 ment’s mission; and

16 (2) sets performance goals and metrics for the
17 Department and monitors and evaluates the Depart-
18 ment’s progress toward such goals and metrics.

19 (c) CONSIDERATIONS.—In developing the workforce
20 planning process under subsection (b), Amtrak shall—

21 (1) identify critical positions, skills, and com-
22 petencies necessary for fulfilling the Department’s
23 mission;

24 (2) analyze employment levels and ensure
25 that—

1 (A) an adequate number of civilian and
2 sworn personnel are allocated across the De-
3 partment's 6 geographic divisions, including pa-
4 trol officers, detectives, canine units, special op-
5 erations unit, strategic operations, intelligence,
6 corporate security, the Office of Professional
7 Responsibilities, and the Office of Chief of Po-
8 lices; and

9 (B) patrol officers have an adequate pres-
10 ence on trains and route segments, and in sta-
11 tions, facilities, and other infrastructure;

12 (3) analyze workforce gaps and develop strate-
13 gies to address any such gaps;

14 (4) consider the risks identified by Amtrak's
15 triannual risk assessments;

16 (5) consider variables, including ridership levels,
17 miles of right-of-way, crime data, call frequencies,
18 interactions with vulnerable populations, and work-
19 load, that comparable passenger rail systems with
20 similar police departments consider in the develop-
21 ment of the workforce plans of such systems; and

22 (6) consider collaboration or coordination with
23 local, State, Tribal, and Federal agencies, and public
24 transportation agencies to support the safety and se-
25 curity of the Amtrak network.

1 (d) CONSULTATION.—In carrying out this section,
2 Amtrak shall consult with the Amtrak Police Department
3 Labor Committee, public safety experts, foreign or domes-
4 tic entities providing passenger rail service comparable to
5 Amtrak, and any other relevant entities, as determined by
6 Amtrak.

7 (e) REPORTS.—

8 (1) REPORT ON MISSION OF DEPARTMENT.—

9 Not later than 10 days after Amtrak identifies the
10 mission of the Department under subsection (a),
11 Amtrak shall transmit to the Committee on Trans-
12 portation and Infrastructure of the House of Rep-
13 resentatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report
15 containing a description of the mission of the De-
16 partment and the reasons for the content of such
17 mission.

18 (2) Report on workforce planning process- Not
19 later than 10 days after Amtrak completes the work-
20 force planning process under subsection (b), Amtrak
21 shall transmit to the Committee on Transportation
22 and Infrastructure of the House of Representatives
23 and the Committee on Commerce, Science, and
24 Transportation of the Senate a report containing the
25 workforce planning process, the underlying data

1 used to develop such process, and how such process
2 will achieve the Department's mission.

3 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

4 (a) AMTRAK FOOD AND BEVERAGE.—Section 24321
5 of title 49, United States Code, is amended to read as
6 follows:

7 **“§ 24321. Amtrak food and beverage**

8 “(a) ENSURING ACCESS TO FOOD AND BEVERAGE
9 SERVICES.—On all long-distance routes, Amtrak shall en-
10 sure that all passengers who travel overnight on such
11 route shall have access to purchasing the food and bev-
12 erages that are provided to sleeping car passengers on
13 such route.

14 “(b) FOOD AND BEVERAGE WORKFORCE.—

15 “(1) WORKFORCE REQUIREMENT.—Amtrak
16 shall ensure that any individual onboard a train who
17 prepares food and beverages is an Amtrak employee.

18 “(2) SAVINGS CLAUSE.—No Amtrak employee
19 holding a position as of the date of enactment of the
20 TRAIN Act may be involuntarily separated because
21 of any action taken by Amtrak to implement this
22 section, including any employees who are furloughed
23 as a result of the COVID–19 pandemic.

24 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
25 Amtrak employee holding a position as of the date of en-

1 actment of the Passenger Rail Reform and Investment Act
2 of 2015 is involuntarily separated because of the develop-
3 ment and implementation of the plan required by the
4 amendments made by section 11207 of such Act.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) ANALYSIS.—The item related to section
7 24321 in the analysis for chapter 243 of title 49,
8 United States Code, is amended to read as follows:
“24321. Amtrak food and beverage.”.

9 (2) AMTRAK AUTHORITY.—Section 24305(c)(4)
10 of title 49, United States Code, is amended by strik-
11 ing “only if revenues from the services each year at
12 least equal the cost of providing the services”.

13 (3) CONTRACTING OUT.—Section 121(c) of the
14 Amtrak Reform and Accountability Act of 1997 (49
15 U.S.C. 24312 note; 111 Stat. 2574) is amended by
16 striking “, other than work related to food and bev-
17 erage service,”.

18 (c) AMTRAK FOOD AND BEVERAGE WORKING
19 GROUP.—

20 (1) ESTABLISHMENT.—Not later than 90 days
21 after the date of enactment of this Act, Amtrak shall
22 establish a working group (in this subsection re-
23 ferred to as the “Working Group”) to provide rec-
24 ommendations on Amtrak onboard food and bev-
25 erage services.

1 (2) MEMBERSHIP.—The Working Group shall
2 consist of individuals representing—

3 (A) Amtrak;

4 (B) the labor organizations representing
5 Amtrak employees who prepare or provide on-
6 board food and beverage services; and

7 (C) nonprofit organizations representing
8 Amtrak passengers.

9 (3) RECOMMENDATIONS.—

10 (A) IN GENERAL.—The Working Group
11 shall develop recommendations to increase rid-
12 ership and improve customer satisfaction by—

13 (i) promoting collaboration and en-
14 gagement between Amtrak, Amtrak pas-
15 sengers, and Amtrak employees preparing
16 or providing onboard food and beverage
17 services, prior to Amtrak implementing
18 changes to onboard food and beverage
19 services;

20 (ii) improving onboard food and bev-
21 erage services; and

22 (iii) improving solicitation, reception,
23 and consideration of passenger feedback
24 regarding onboard food and beverage serv-
25 ices.

1 (B) CONSIDERATIONS.—In developing the
2 recommendations under subparagraph (A), the
3 Working Group shall consider—

4 (i) the healthfulness of onboard food
5 and beverages offered, including the ability
6 of passengers to address dietary restric-
7 tions;

8 (ii) the preparation and delivery of on-
9 board food and beverages;

10 (iii) the differing needs of passengers
11 traveling on long-distance routes, State-
12 supported routes, and the Northeast Cor-
13 ridor;

14 (iv) the reinstatement of the dining
15 car service on long-distance routes;

16 (v) Amtrak passenger survey data
17 about the food and beverages offered on
18 Amtrak trains; and

19 (vi) any other issue the Working
20 Group determines appropriate.

21 (4) REPORTS.—

22 (A) INITIAL REPORT.—Not later than 1
23 year after the date on which the Working
24 Group is established, the Working Group shall
25 submit to the Board of Directors of Amtrak,

1 the Committee on Transportation and Infra-
2 structure of the House of Representatives, and
3 the Committee on Commerce, Science, and
4 Transportation of the Senate a report con-
5 taining the recommendations developed under
6 paragraph (3).

7 (B) SUBSEQUENT REPORT.—Not later
8 than 30 days after the date on which the Work-
9 ing Group submits the report required under
10 subparagraph (A), Amtrak shall submit to the
11 Committee on Transportation and Infrastruc-
12 ture of the House of Representatives and the
13 Committee on Commerce, Science, and Trans-
14 portation of the Senate a report on whether
15 Amtrak agrees with the recommendations of the
16 Working Group and describing any plans to im-
17 plement such recommendations.

18 (5) PROHIBITION ON FOOD AND BEVERAGE
19 SERVICE CHANGES.—During the period beginning on
20 the date of enactment of this Act and ending 30
21 days after the date on which Amtrak submits the re-
22 port required under paragraph (4)(B), Amtrak may
23 not make large-scale, structural changes to existing
24 onboard food and beverage services, except that Am-
25 trak shall reverse any changes to onboard food and

1 beverage service made in response to the COVID–19
2 pandemic as Amtrak service is restored.

3 (6) TERMINATION.—The Working Group shall
4 terminate on the date on which Amtrak submits the
5 report required under paragraph (4)(B), except that
6 Amtrak may extend such date by up to 1 year if
7 Amtrak determines that the Working Group is bene-
8 ficial to Amtrak in making decisions related to on-
9 board food and beverage services. If Amtrak extends
10 such date, Amtrak shall include notification of the
11 extension in the report required under paragraph
12 (4)(B).

13 (7) NONAPPLICABILITY OF FEDERAL ADVISORY
14 COMMITTEE ACT.—The Federal Advisory Committee
15 Act (5 U.S.C. App) does not apply to the Working
16 Group established under this section.

17 (8) LONG-DISTANCE ROUTE; NORTHEAST COR-
18 RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—
19 In this subsection, the terms “long-distance route”,
20 “Northeast Corridor”, and “State-supported route”
21 have the meaning given those terms in section
22 24102 of title 49, United States Code.

1 **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING**
2 **OUT.**

3 Section 121 of the Amtrak Reform and Account-
4 ability Act of 1997 (49 U.S.C. 24312 note; 111 Stat.
5 2574) is amended by striking subsection (d) and inserting
6 the following:

7 “(d) FURLOUGHED WORK.—Amtrak may not con-
8 tract out work within the scope of work performed by an
9 employee in a bargaining unit covered by a collective bar-
10 gaining agreement entered into between Amtrak and an
11 organization representing Amtrak employees during the
12 period of time such employee has been laid off and has
13 not been recalled to perform such work.

14 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING
15 OUT.—This section does not—

16 “(1) supersede a prohibition or limitation on
17 contracting out work covered by a collective bar-
18 gaining agreement entered into between Amtrak and
19 an organization representing Amtrak employees; or

20 “(2) prohibit Amtrak and an organization rep-
21 resenting Amtrak employees from entering into a
22 collective bargaining agreement that allows for con-
23 tracting out the work of a furloughed employee that
24 would otherwise be prohibited under subsection
25 (d).”.

1 **SEC. 9213. AMTRAK STAFFING.**

2 Section 24312 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(c) CALL CENTER STAFFING.—

5 “(1) OUTSOURCING.—Amtrak may not renew
6 or enter into a contract to outsource call center cus-
7 tomer service work on behalf of Amtrak, including
8 through a business process outsourcing group.

9 “(2) TRAINING.—Amtrak shall make available
10 appropriate training programs to any Amtrak call
11 center employee carrying out customer service activi-
12 ties using telephone or internet platforms.

13 “(d) STATION AGENT STAFFING.—

14 “(1) IN GENERAL.—Beginning on the date that
15 is 1 year after the date of enactment of the TRAIN
16 Act, Amtrak shall ensure that at least 1 Amtrak
17 ticket agent is employed at each station building
18 where at least 1 Amtrak ticket agent was employed
19 on or after October 1, 2017.

20 “(2) LOCATIONS.—Notwithstanding section (1),
21 beginning on the date that is 1 year after the date
22 of enactment of the TRAIN Act, Amtrak shall en-
23 sure that at least 1 Amtrak ticket agent is employed
24 at each station building—

1 “(A) that Amtrak owns, or operates service
2 through, as part of a passenger service route;
3 and

4 “(B) for which the number of passengers
5 boarding or deboarding an Amtrak long-dis-
6 tance train in the previous fiscal year exceeds
7 the average of at least 40 passengers per day
8 over all days in which the station was serviced
9 by Amtrak, regardless of the number of Amtrak
10 vehicles servicing the station per day. For fiscal
11 year 2021, ridership from fiscal year 2019 shall
12 be used to determine qualifying stations.

13 “(3) EXCEPTION.—This subsection does not
14 apply to any station building in which a commuter
15 rail ticket agent has the authority to sell Amtrak
16 tickets.

17 “(4) AMTRAK TICKET AGENT.—For purposes of
18 this section, the term ‘Amtrak ticket agent’ means
19 an Amtrak employee with authority to sell Amtrak
20 tickets onsite and assist in the checking of Amtrak
21 passenger baggage.”.

22 **SEC. 9214. SPECIAL TRANSPORTATION.**

23 Section 24307(a) of title 49, United States Code, is
24 amended—

1 (1) in the matter preceding paragraph (1) by
2 striking “for the following:” and inserting “of at
3 least a 10 percent discount on full-price coach class
4 rail fares for, at a minimum—”;

5 (2) in paragraph (1) by striking the period at
6 the end and inserting a semicolon; and

7 (3) by striking paragraph (2) and inserting the
8 following:

9 “(2) individuals of 12 years of age or younger;

10 “(3) individuals with a disability, as such term
11 is defined in section 3 of the Americans with Dis-
12 abilities Act of 1990 (42 U.S.C. 12102);

13 “(4) members of the Armed Forces on active
14 duty (as those terms are defined in section 101 of
15 title 10) and their spouses and dependents with valid
16 identification;

17 “(5) veterans (as that term is defined in section
18 101 of title 38) with valid identification; and

19 “(6) individuals attending federally-accredited
20 postsecondary education institutions with valid stu-
21 dent identification cards.”.

22 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

23 (a) IN GENERAL.—Chapter 243 of title 49, United
24 States Code, is further amended by adding at the end the
25 following:

1 **“§ 24324. Disaster and emergency relief program**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 may make grants to Amtrak for—

4 “(1) capital projects to repair, reconstruct, or
5 replace equipment, infrastructure, stations, and
6 other facilities that the Secretary determines are in
7 danger of suffering serious damage, or have suffered
8 serious damage, as a result of an emergency event;

9 “(2) offset revenue lost as a result of such an
10 event; and

11 “(3) support continued operations following
12 emergency events.

13 “(b) COORDINATION OF EMERGENCY FUNDS.—
14 Funds made available to carry out this section shall be
15 in addition to any other funds available and shall not af-
16 fect the ability of Amtrak to use any other funds otherwise
17 authorized by law.

18 “(c) GRANT CONDITIONS.—Grants made under this
19 subsection (a) shall be subject to section 22905(c)(2)(A)
20 and other such terms and conditions as the Secretary de-
21 termines necessary.

22 “(d) DEFINITION OF EMERGENCY EVENT.—In this
23 section, the term ‘emergency event’ has the meaning given
24 such term in section 20103.”

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 243 of title 49, United States Code, is further amend-
3 ed by adding at the end the following:

“24324. Disaster and emergency relief program.”.

4 **SEC. 9216. RECREATIONAL TRAIL ACCESS.**

5 Section 24315 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(i) RECREATIONAL TRAIL ACCESS.—At least 30
8 days before implementing a new policy, structure, or oper-
9 ation that impedes recreational trail access, Amtrak shall
10 work with potentially affected communities, making a
11 good-faith effort to address local concerns about such rec-
12 reational trail access. Not later than February 15 of each
13 year, Amtrak shall submit to the Committee on Transpor-
14 tation and Infrastructure of the House of Representatives
15 and the Committee on Environment and Public Works of
16 the Senate a report on any such engagement in the pre-
17 ceding calendar year, and any changes to policies, struc-
18 tures, or operations affecting recreational trail access that
19 were considered or made as a result. Such report shall
20 include Amtrak’s plans to mitigate the impact to such rec-
21 reational trail access.”.

22 **SEC. 9217. INVESTIGATION OF SUBSTANDARD PERFORM-**
23 **ANCE.**

24 Section 24308(f) of title 49, United States Code, is
25 amended—

1 (1) in paragraph (1)—

2 (A) by striking “If the on-time” and in-
3 serting “If either the on-time”;

4 (B) by inserting “, measured at each sta-
5 tion on its route based upon the arrival times
6 plus 15 minutes shown in schedules Amtrak
7 and the host railroad have agreed to or have
8 been determined by the Surface Transportation
9 Board pursuant to section 213 of the Passenger
10 Rail Investment and Improvement Act of 2008
11 as of or subsequent to the date of enactment of
12 the TRAIN Act,” after “intercity passenger
13 train”; and

14 (C) by striking “or the service quality of”
15 and inserting “or the on-time performance of”;

16 (2) in paragraph (2) by striking “minimum
17 standards investigated under paragraph (1)” and in-
18 serting “either performance standard under para-
19 graph (1)”;

20 (3) in paragraph (4) by striking “or failures to
21 achieve minimum standards” and inserting “or fail-
22 ure to achieve either performance standard under
23 paragraph (1)”.

1 **SEC. 9218. AMTRAK CYBERSECURITY ENHANCEMENT**
2 **GRANT PROGRAM.**

3 (a) IN GENERAL.—Chapter 243 of title 49, United
4 States Code, is further amended by adding at the end the
5 following:

6 **“§ 24324. Amtrak cybersecurity enhancement grant**
7 **program**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 shall make grants to Amtrak for improvements in infor-
10 mation technology systems, including cyber resiliency im-
11 provements for Amtrak information technology assets.

12 “(b) APPLICATION OF BEST PRACTICES.—Any cyber
13 resiliency improvements carried out with a grant under
14 this section shall be consistent with the principles con-
15 tained in the special publication numbered 800–160 issued
16 by the National Institute of Standards and Technology
17 Special and any other applicable security controls pub-
18 lished by the Institute.

19 “(c) COORDINATION OF CYBERSECURITY FUNDS.—
20 Funds made available to carry out this section shall be
21 in addition to any other Federal funds and shall not affect
22 the ability of Amtrak to use any other funds otherwise
23 authorized by law for purposes of enhancing the cyberse-
24 curity architecture of Amtrak.

1 “(d) GRANT CONDITIONS.—Grants made under this
2 section shall be subject to such terms and conditions as
3 the Secretary determines necessary.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 243 of title 49, United States Code, is further amend-
6 ed by adding at the end the following:

“24324. Amtrak cybersecurity enhancement grant program.

7 **SEC. 9219. AMTRAK AND PRIVATE CARS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that private cars and charter trains can—

10 (1) improve Amtrak’s financial performance,
11 particularly on the long-distance routes;

12 (2) have promotional value for Amtrak that re-
13 sults in future travel on Amtrak trains by pas-
14 sengers made aware of Amtrak as a result;

15 (3) support private-sector jobs, including for
16 mechanical work and on-board services; and

17 (4) provide good-will benefits to Amtrak.

18 (b) POLICY REVIEW.—Amtrak shall review the policy
19 changes since January 1, 2018, that have caused signifi-
20 cant changes to the relationship between Amtrak and pri-
21 vate car owners and charter train services and evaluate
22 opportunities to strengthen these services, including by re-
23 instating some access points and restoring flexibility to
24 charter-train policies. For charter trains, private cars, and
25 package express carried on regular Amtrak trains, con-

1 sistent with sound business practice, Amtrak should re-
2 cover direct costs plus a reasonable profit margin.

3 **SEC. 9220. AMTRAK OFFICE OF COMMUNITY OUTREACH.**

4 (a) IN GENERAL.—Chapter 243 of title 49, United
5 States Code, is further amended by adding at the end the
6 following new section:

7 **“§ 24325. Amtrak Office of Community Outreach**

8 “(a) IN GENERAL.—Not later than 180 days after
9 the date of enactment of the TRAIN Act, Amtrak shall
10 establish an Office of Community Outreach to engage with
11 communities impacted by Amtrak operations.

12 “(b) RESPONSIBILITIES.—The Office of Community
13 Outreach shall be responsible for—

14 “(1) outreach and engagement with—

15 “(A) local officials before capital improve-
16 ment project plans are finalized; and

17 “(B) local stakeholders and relevant orga-
18 nizations on projects of community significance;

19 “(2) clear explanation and publication of how
20 community members can communicate with Amtrak;

21 “(3) the use of virtual public involvement, social
22 media, and other web-based tools to encourage pub-
23 lic participation and solicit public feedback; and

1 “(4) making publicly available on the website of
2 Amtrak, planning documents for proposed and im-
3 plemented capital improvement projects.

4 “(c) REPORT TO CONGRESS.—Not later than 1 year
5 after the establishment of the Office of Community Out-
6 reach, and annually thereafter, Amtrak shall submit to the
7 Committee on Transportation and Infrastructure in the
8 House of Representatives and the Committee on Com-
9 merce, Science, and Transportation of the Senate a report
10 that—

11 “(1) describes the community outreach efforts
12 undertaken by the Amtrak Office of Community
13 Outreach for the previous year; and

14 “(2) identifies changes Amtrak made to capital
15 improvement project plans after engagement with af-
16 fected communities.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 243 of title 49, United States Code, is further amend-
19 ed by adding at the end the following:

 “24325. Amtrak Office of Community Outreach.”.

20 **TITLE III—INTERCITY**
21 **PASSENGER RAIL POLICY**

22 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

23 Section 24905 of title 49, United States Code, is
24 amended—

25 (1) in subsection (a)(1)—

1 (A) in subparagraph (A) by striking
2 “members” and inserting “4 members”;

3 (B) in subparagraph (B) by striking
4 “members” and inserting “5 members”; and

5 (C) in subparagraph (D) by striking “and
6 commuter railroad carriers using the Northeast
7 Corridor selected by the Secretary” and insert-
8 ing “railroad carriers and commuter authorities
9 using the Northeast Corridor, as determined by
10 the Commission”;

11 (2) by striking paragraph (2) of subsection (a)
12 and inserting the following:

13 “(2) At least 2 of the members described in
14 paragraph (1)(B) shall be career appointees, as such
15 term is defined in section 3132(a) of title 5.”;

16 (3) in subsection (b)(3)(B)—

17 (A) in clause (i) by inserting “, including
18 ridership trends,” before “along the Northeast
19 Corridor”;

20 (B) in clause (ii) by striking “capital in-
21 vestment plan described in section 24904.” and
22 inserting “first year of the capital investment
23 plan described in section 24904; and”;

24 (C) by adding at the end the following:

1 “(iii) progress in assessing and elimi-
2 nating the state-of-good-repair backlog.”;

3 (4) in subsection (c)—

4 (A) by striking “(1) DEVELOPMENT” and
5 all that follows through “standardized policy”
6 and inserting the following:

7 “(1) POLICY.—The Commission shall—

8 “(A) maintain and update, as appropriate,
9 the ‘Northeast Corridor Commuter and Inter-
10 city Rail Cost Allocation Policy’ approved on
11 September 17, 2015,”;

12 (B) in paragraph (1)—

13 (i) in subparagraph (B) by striking “a
14 proposed timetable for implementing” and
15 inserting “timetables for implementing and
16 maintaining”;

17 (ii) in subparagraph (C) by striking
18 “the policy and the timetable” and insert-
19 ing “updates to the policy and the time-
20 tables”; and

21 (iii) by striking subparagraph (D) and
22 inserting the following:

23 “(D) support the efforts of the members of
24 the Commission to implement the policy in ac-
25 cordance with such timetables; and”;

1 (C) in paragraph (2)—

2 (i) by striking the first sentence and
3 inserting “In accordance with the time-
4 table developed in paragraph (1), Amtrak
5 and commuter authorities on the North-
6 east Corridor shall implement the policy
7 developed under paragraph (1) in agree-
8 ments for usage of facilities or services.”;

9 (ii) by striking “fail to implement
10 such new agreements” and inserting “fail
11 to implement the policy”; and

12 (iii) by striking “paragraph (1)(A), as
13 applicable” and inserting “paragraph (1)”;
14 and

15 (D) in paragraph (4) by striking “public
16 authorities providing commuter rail passenger
17 transportation” and inserting “commuter au-
18 thorities”;

19 (5) by striking subsection (d);

20 (6) by redesignating subsection (e) as sub-
21 section (d); and

22 (7) in paragraph (1)(D) of subsection (d) (as
23 redesignated by paragraph (6)) by striking “com-
24 muter rail agencies” and inserting “commuter au-
25 thorities”.

1 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

2 (a) IN GENERAL.—Section 24904 of title 49, United
3 States Code, is amended—

4 (1) by redesignating subsection (e) as sub-
5 section (f);

6 (2) by striking subsection (c);

7 (3) by redesignating subsections (a) and (b) as
8 subsections (b) and (c), respectively;

9 (4) by inserting before subsection (b), as so re-
10 designated, the following:

11 “(a) STRATEGIC DEVELOPMENT PLAN.—

12 “(1) REQUIREMENT.—Not later than December
13 31, 2021, the Northeast Corridor Commission estab-
14 lished under section 24905 (referred to in this sec-
15 tion as the ‘Commission’) shall submit to Congress
16 a strategic development plan that identifies key
17 state-of-good-repair, capacity expansion, and capital
18 improvement projects planned for the Northeast
19 Corridor, to upgrade aging infrastructure and im-
20 prove the reliability, capacity, connectivity, perform-
21 ance, and resiliency of passenger rail service on the
22 Northeast Corridor.

23 “(2) CONTENTS.—The strategic development
24 plan required under paragraph (1) shall—

25 “(A) provide a coordinated and consensus-
26 based plan covering a period of 15 years;

1 “(B) identify service objectives and capital
2 investments needs;

3 “(C) provide a delivery-constrained strat-
4 egy that identifies capital investment phasing,
5 an evaluation of workforce needs, and strategies
6 for managing resources and mitigating con-
7 struction impacts on operations;

8 “(D) include a financial strategy that iden-
9 tifies funding needs and potential sources and
10 includes an economic impact analysis; and

11 “(E) be updated at least every 5 years.”;

12 (5) in subsection (b) (as redesignated by para-
13 graph (3))—

14 (A) by striking “Not later than” and all
15 that follows through “shall” and inserting “Not
16 later than November 1 of each year, the Com-
17 mission shall”;

18 (B) in paragraph (1)(A) by striking “a
19 capital investment plan” and inserting “an an-
20 nual capital investment plan”;

21 (C) in paragraph (2)—

22 (i) in subparagraph (A) by striking
23 “and network optimization”;

24 (ii) in subparagraph (B) by striking
25 “and service”;

1 (iii) in subparagraph (C) by striking
2 “first fiscal year after the date on which”
3 and inserting “fiscal year during which”;

4 (iv) in subparagraph (D) by striking
5 “identify, prioritize,” and all that follows
6 through “and consider” and inserting
7 “document the projects and programs
8 being undertaken to achieve the service
9 outcomes identified in the Northeast Cor-
10 ridor strategic development plan, once
11 available, and the asset condition needs
12 identified in the Northeast Corridor asset
13 management plans and consider”; and

14 (v) in subparagraph (E)(i) by striking
15 “normalized capital replacement and”; and

16 (D) in paragraph (3)(B) by striking “ex-
17 pected allocated shares of costs” and inserting
18 “status of cost sharing agreements”;

19 (6) in subsection (c) (as redesignated by para-
20 graph (3)) by striking “may be spent only on” and
21 all that follows through the end and inserting “may
22 be spent only on capital projects and programs con-
23 tained in the Commission’s capital investment plan
24 from the previous year.”; and

1 (7) by striking subsections (d) and (e) and in-
2 serting the following:

3 “(d) REVIEW AND COORDINATION.—The Commis-
4 sion shall gather information from Amtrak, the States in
5 which the Northeast Corridor is located, and commuter
6 rail authorities to support development of the capital in-
7 vestment plan. The Commission may specify a format and
8 other criteria for the information submitted. Submissions
9 to the plan from Amtrak, States in which the Northeast
10 Corridor are located, and commuter rail authorities shall
11 be provided to the Commission in a manner that allows
12 for a reasonable period of review by, and coordination
13 with, affected agencies.

14 “(e) NORTHEAST CORRIDOR ASSET MANAGE-
15 MENT.—

16 “(1) CONTENTS.—With regard to existing in-
17 frastructure, Amtrak and other infrastructure own-
18 ers that provide or support intercity rail passenger
19 transportation on the Northeast Corridor shall de-
20 velop an asset management system, and use and up-
21 date such system as necessary, to develop submis-
22 sions to the Northeast Corridor capital investment
23 plan described in subsection (b). Such system
24 shall—

1 “(A) be consistent with the Federal Tran-
2 sit Administration process, as authorized under
3 section 5326, when implemented; and

4 “(B) include, at a minimum—

5 “(i) an inventory of all capital assets
6 owned by the developer of the plan;

7 “(ii) an assessment of asset condition;

8 “(iii) a description of the resources
9 and processes necessary to bring or main-
10 tain those assets in a state of good repair;
11 and

12 “(iv) a description of changes in asset
13 condition since the previous version of the
14 plan.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) ACCOUNTS.—Section 24317(d)(1) of title
17 49, United States Code, is amended—

18 (A) in subparagraph (B) by striking
19 “24904(a)(2)(E)” and inserting
20 “24904(b)(2)(E)”; and

21 (B) in subparagraph (F) by striking
22 “24904(b)” and inserting “24904(c)”.

23 (2) FEDERAL-STATE PARTNERSHIP FOR STATE
24 OF GOOD REPAIR.—Section 24911(e)(2) of title 49,

1 United States Code, is amended by striking
2 “24904(a)” and inserting “24904(b)”.

3 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

4 Section 22905 of title 49, United States Code, is
5 amended—

6 (1) in subsection (c)(2)(B) by striking “that are
7 equivalent to the protective arrangements established
8 under section 504 of the Railroad Revitalization and
9 Regulatory Reform Act of 1976 (45 U.S.C. 836)”
10 and inserting “established by the Secretary under
11 subsection (e)(1)”;

12 (2) by redesignating subsections (e) and (f) as
13 subsections (f) and (g), respectively; and

14 (3) by inserting after subsection (d) the fol-
15 lowing:

16 “(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

17 “(1) ESTABLISHMENT.—Not later than 90 days
18 after the date of enactment of this subsection, the
19 Administrator of the Federal Railroad Administra-
20 tion shall establish protective arrangements equiva-
21 lent to those established under section 504 of the
22 Railroad Revitalization and Regulatory Reform Act
23 of 1976 (45 U.S.C. 836), and require such protec-
24 tive arrangements to apply to employees described

1 under subsection (c)(2)(B) and as required under
2 subsection (j) of section 22907.

3 “(2) PUBLICATION.—The Administrator shall
4 make available on a publicly available website the
5 protective arrangements established under para-
6 graph (1).”.

7 **SEC. 9304. HIGH-SPEED RAIL FUNDS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law and not later than 90 days after the date of
10 enactment of this Act, the Secretary of Transportation
11 shall reinstate any cooperative agreement terminated after
12 January 1, 2019 that was originally entered into under
13 the heading “Capital Assistance for High Speed Rail Cor-
14 ridors and Intercity Passenger Rail Service” in the De-
15 partment of Transportation Appropriations Act, 2010
16 (Public Law 111–117).

17 (b) INCLUSION.—The reinstatement under subsection
18 (a) shall include the obligation to such agreement of all
19 of the funds obligated to such agreement as of the date
20 of termination of such agreement.

21 (c) GRANT CONDITIONS.—The reinstatement under
22 subsection (a) shall include all grant conditions required
23 under such agreement, including section 22905(c)(2)(A)
24 of title 49, United State Code, as of the date of termi-
25 nation of such agreement.

1 **TITLE IV—COMMUTER RAIL**
2 **POLICY**

3 **SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION**
4 **OF TRACKAGE USE REQUESTS.**

5 Section 28502 of title 49, United States Code, is
6 amended to read as follows:

7 **“§ 28502. Surface Transportation Board mediation of**
8 **trackage use requests**

9 “A rail carrier shall provide good faith consideration
10 to a reasonable request from a provider of commuter rail
11 passenger transportation for access to trackage and provi-
12 sion of related services. If, after a reasonable period of
13 negotiation, a public transportation authority cannot
14 reach agreement with a rail carrier to use trackage of, and
15 have related services provided by, the rail carrier for pur-
16 poses of commuter rail passenger transportation, the pub-
17 lic transportation authority or the rail carrier may apply
18 to the Board for nonbinding mediation. In any case in
19 which dispatching for the relevant trackage is controlled
20 by a rail carrier other than the trackage owner, both shall
21 be subject to the requirements of this section and included
22 in the Board’s mediation process. The Board shall conduct
23 the nonbinding mediation in accordance with the medi-
24 ation process of section 1109.4 of title 49, Code of Federal

1 Regulations, as in effect on the date of enactment of the
2 TRAIN Act.”.

3 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
4 **OF RIGHTS-OF-WAY USE REQUESTS.**

5 Section 28503 of title 49, United States Code, is
6 amended to read as follows:

7 **“§ 28503. Surface Transportation Board mediation of**
8 **rights-of-way use requests**

9 “A rail carrier shall provide good faith consideration
10 to a reasonable request from a provider of commuter rail
11 passenger transportation for access to rail right-of-way for
12 the construction and operation of a segregated fixed guide-
13 way facility. If, after a reasonable period of negotiation,
14 a public transportation authority cannot reach agreement
15 with a rail carrier to acquire an interest in a railroad
16 right-of-way for the construction and operation of a seg-
17 regated fixed guideway facility to provide commuter rail
18 passenger transportation, the public transportation au-
19 thority or the rail carrier may apply to the Board for non-
20 binding mediation. In any case in which dispatching for
21 the relevant trackage is controlled by a rail carrier other
22 than the right-of-way owner, both shall be subject to the
23 requirements of this section and included in the Board’s
24 mediation process. The Board shall conduct the non-
25 binding mediation in accordance with the mediation proc-

1 ess of section 1109.4 of title 49, Code of Federal Regula-
2 tions, as in effect on the date of enactment of the TRAIN
3 Act.”.

4 **SEC. 9403. CHICAGO UNION STATION IMPROVEMENT**
5 **PLANS.**

6 (a) ONE-YEAR CAPITAL IMPROVEMENT PLAN.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the conclusion of the Surface Transportation Board
9 proceeding in the petition by Amtrak for a pro-
10 ceeding pursuant to section 24903(c)(2) of title 49,
11 United States Code (Docket No. FD 36332), Am-
12 trak and Metra shall enter into an agreement for a
13 one-year capital improvement plan for Chicago
14 Union Station.

15 (2) EXTENSION.—The deadline under para-
16 graph (1) may be extended with the consent of both
17 Amtrak and Metra.

18 (3) SUBMISSION OF PLAN.—Amtrak and Metra
19 shall transmit the one-year capital improvement plan
20 to the Committee on Transportation and Infrastruc-
21 ture of the House of Representatives and Committee
22 on Commerce, Science, and Transportation of the
23 Senate.

24 (b) FIVE-YEAR CAPITAL IMPROVEMENT PLAN.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date on which Amtrak and Metra enter
3 into the agreement under subsection (a), Amtrak
4 shall enter into an agreement with Metra for a five-
5 year capital improvement plan for Chicago Union
6 Station.

7 (2) EXTENSION.—The deadline required under
8 paragraph (1) may be extended with the consent of
9 both Amtrak and Metra.

10 (3) SUBMISSION OF PLAN.—Amtrak and Metra
11 shall transmit the five-year capital improvement plan
12 to the Committee on Transportation and Infrastruc-
13 ture of the House of Representatives and Committee
14 on Commerce, Science, and Transportation of the
15 Senate.

16 (c) CONTENTS.—The capital improvement plans re-
17 quired under subsections (a) and (b) shall identify the
18 projects that Amtrak and Metra agree to implement at
19 Chicago Union Station within the timeframe of each such
20 plan, including projects that improve—

21 (1) areas considered outside the glass such as
22 tracks, platforms switches, and other rail infrastruc-
23 ture;

24 (2) facilities for Amtrak and Metra crew; and

1 (3) the operations of Chicago Union Station,
2 such as the dispatching of commuter and intercity
3 passenger trains out of Chicago Union Station.

4 (d) ANNUAL PROGRESS REPORT.—Not later than 1
5 year after the date on which Amtrak and Metra enter into
6 an agreement required under subsection (b), and annually
7 thereafter for 5 years, Amtrak and Metra shall jointly sub-
8 mit to the Committee on Transportation and Infrastruc-
9 ture of the House of Representatives and the Committee
10 on Commerce, Science, and Transportation of the Senate
11 a report describing the progress Amtrak and Metra have
12 made in implementing the plan required under subsection
13 (b).

14 (e) DEFINITIONS.—In this section:

15 (1) CHICAGO UNION STATION.—The term “Chi-
16 cago Union Station” means the passenger train sta-
17 tion located at 225 South Canal Street, Chicago, Il-
18 linois 60606, and its associated facilities.

19 (2) METRA.—The term “Metra” means the
20 Northeast Illinois Regional Commuter Railroad Cor-
21 poration.

1 **TITLE V—RAIL SAFETY**
2 **Subtitle A—Passenger and Freight**
3 **Safety**

4 **SEC. 9501. NATIONAL ACADEMIES STUDY ON SAFETY IM-**
5 **PACT OF TRAINS LONGER THAN 7,500 FEET.**

6 (a) **STUDY.**—The Secretary of Transportation shall
7 seek to enter into an agreement with the National Acad-
8 emies to conduct a study and issue to the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives and the Committee on Commerce, Science,
11 and Transportation of the Senate a report on the safety
12 impacts of freight trains longer than 7,500 feet.

13 (b) **CONTENTS.**—The study conducted pursuant to
14 subsection (a) shall include—

15 (1) an examination of any potential risks of the
16 operation of such trains and recommendations on
17 mitigation of such risks;

18 (2) among other safety factors with respect to
19 such trains, an evaluation of—

20 (A) any increased risk of loss of commu-
21 nications between the end of train device and
22 the locomotive cab, including communications
23 over differing terrains and conditions;

24 (B) any increased risk of loss of commu-
25 nications between crewmembers, including com-

1 munications over differing terrains and condi-
2 tions;

3 (C) any increased risk of derailments, in-
4 cluding risks associated with in-train compres-
5 sive forces and slack action or other safety risks
6 in the operations of such trains in differing ter-
7 rains and conditions;

8 (D) safety risks associated with the deploy-
9 ment of multiple distributed power units in the
10 consists of such trains; and

11 (E) impacts of the length of trains on
12 braking and locomotive performance and track
13 wear and tear; and

14 (3) an evaluation of whether additional engineer
15 and conductor training is required for safely oper-
16 ating such trains.

17 (c) REPORT.—Not later than 24 months after the
18 date of enactment of this Act, the Secretary shall submit
19 to the Committee on Transportation and Infrastructure
20 of the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Senate a
22 report on the results of the study.

23 (d) FUNDING.—From the amounts made available
24 for fiscal year 2021 to carry out section 20117(a) of title
25 49, United States Code, the Secretary shall expend not

1 less than \$1,000,000 and not more than \$2,000,000 to
2 carry out the study required under subsection (a).

3 **SEC. 9502. GAO STUDY ON CHANGES IN FREIGHT RAILROAD**
4 **OPERATING AND SCHEDULING PRACTICES.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall study the impact on freight rail shippers, Am-
7 trak, commuter railroads, railroad employees, and other
8 affected parties of changes in freight railroad operating
9 and scheduling practices as a result of the implementation
10 of the precision scheduled railroading model.

11 (b) CONTENTS.—At minimum, the study shall exam-
12 ine—

13 (1) the impacts of the operation of longer
14 trains;

15 (2) safety impacts of reduction in workforce, in-
16 cluding occupational injury rates, impacts to inspec-
17 tion frequencies and repair quality, and changes in
18 workforce demands;

19 (3) the elimination or downsizing of yards, re-
20 pair facilities, and other operational facilities;

21 (4) increases in demurrage or accessorial
22 charges or other costs to shippers;

23 (5) capital expenditures for rail infrastructure;
24 and

1 (6) the effect of changes to dispatching prac-
2 tices and locations of dispatching centers on—

3 (A) the on-time performance of passenger
4 trains, and

5 (B) the quality and reliability of service to
6 freight shippers.

7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Comptroller General shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report summarizing the study and the results
13 of such study, including recommendations for addressing
14 any negative impacts of precision scheduled railroading on
15 freight shippers or passenger railroads.

16 **SEC. 9503. FRA SAFETY REPORTING.**

17 (a) IN GENERAL.—Section 20901 of title 49, United
18 States Code, is amended by inserting “(including the train
19 length, the number of crew members on board the train,
20 and the duties of such crew members)” after “reported
21 accident or incident”.

22 (b) REGULATIONS.—Not later than 180 days after
23 the date of enactment of this Act, the Secretary of Trans-
24 portation shall issue such regulations as are necessary to
25 carry out the amendment made by subsection (a).

1 **SEC. 9504. WAIVER NOTICE REQUIREMENTS.**

2 Section 20103(d) of title 49, United States Code, is
3 amended to read as follows:

4 “(d) NONEMERGENCY WAIVERS.—

5 “(1) IN GENERAL.—The Secretary may waive
6 compliance with any part of a regulation prescribed
7 or order issued under this chapter if the waiver is
8 in the public interest and consistent with railroad
9 safety.

10 “(2) NOTICE REQUIRED.—The Secretary
11 shall—

12 “(A) provide timely public notice of any re-
13 quest for a waiver under this subsection;

14 “(B) make the application for such waiver
15 and any related underlying data available to in-
16 terested parties;

17 “(C) provide the public with notice and a
18 reasonable opportunity to comment on a pro-
19 posed waiver under this subsection before mak-
20 ing a final decision; and

21 “(D) make public the reasons for granting
22 a waiver under this subsection.

23 “(3) INFORMATION PROTECTION.—Nothing in
24 this subsection shall be construed to require the re-
25 lease of information protected by law from public
26 disclosure.”.

1 **SEC. 9505. NOTICE OF FRA COMPREHENSIVE SAFETY AS-**
2 **SESSMENTS.**

3 (a) INITIAL NOTICE.—Not later than 10 business
4 days after the Federal Railroad Administration initiates
5 a comprehensive safety assessment of an entity providing
6 regularly scheduled intercity or commuter rail passenger
7 transportation, the Federal Railroad Administration shall
8 notify in electronic format the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives
10 and the Committee on Commerce, Science, and Transpor-
11 tation of the Senate, and each member of Congress rep-
12 resenting a State in which the service that is the subject
13 of the assessment being conducted is located, of the initi-
14 ation of such assessment.

15 (b) FINDINGS.—Not later than 90 days after comple-
16 tion of a comprehensive safety assessment described in
17 subsection (a), the Federal Railroad Administration shall
18 transmit in electronic format to the Committee on Trans-
19 portation and Infrastructure of the House of Representa-
20 tives and the Committee on Commerce, Science, and
21 Transportation of the Senate, and to each member of Con-
22 gress representing a State in which the service that is the
23 subject of the assessment being conducted is located, the
24 findings of such assessment, including identified defects
25 and any recommendations.

1 (c) DEFINITION OF COMPREHENSIVE SAFETY AS-
2 SESSMENT.—In this section, the term “comprehensive
3 safety assessment” means a focused review of the safety-
4 related processes and procedures, compliance with safety
5 regulations and requirements, and overall safety culture
6 of an entity providing regularly scheduled intercity or com-
7 muter rail passenger transportation.

8 **SEC. 9506. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

9 Section 20902 of title 49, United States Code, is
10 amended—

11 (1) in subsection (b) by striking “subpena” and
12 inserting “subpoena”; and

13 (2) by adding at the end the following:

14 “(d) GATHERING INFORMATION AND TECHNICAL
15 EXPERTISE.—

16 “(1) IN GENERAL.—The Secretary shall create
17 a standard process for investigators to use during
18 accident and incident investigations conducted under
19 this section for determining when it is appropriate
20 to, and how to—

21 “(A) gather information about an accident
22 or incident under investigation from railroad
23 carriers, contractors or employees of railroad
24 carriers or representatives of employees of rail-

1 road carriers, and others, as determined rel-
2 evant by the Secretary; and

3 “(B) consult with railroad carriers, con-
4 tractors or employees of railroad carriers or
5 representatives of employees of railroad car-
6 riers, and others, as determined relevant by the
7 Secretary, for technical expertise on the facts of
8 the accident or incident under investigation.

9 “(2) CONFIDENTIALITY.—In developing the
10 process under paragraph (1), the Secretary shall fac-
11 tor in ways to maintain the confidentiality of any en-
12 tity identified under paragraph (1) if—

13 “(A) such entity requests confidentiality;

14 “(B) such entity was not involved in the
15 accident or incident; and

16 “(C) maintaining such entity’s confiden-
17 tiality does not adversely affect an investigation
18 of the Federal Railroad Administration.

19 “(3) APPLICATION OF LAW.—This subsection
20 shall not apply to any investigation carried out by
21 the National Transportation Safety Board.”.

22 **SEC. 9507. RAIL SAFETY IMPROVEMENTS.**

23 (a) FEDERAL RAILROAD ADMINISTRATION REQUIRE-
24 MENTS.—Not later than 18 months after the date of en-

1 actment of this Act, the Secretary of Transportation shall
2 carry out the following:

3 (1) Complete a study on how signage can be
4 used to improve safety in the rail industry that in-
5 cludes—

6 (A) a review of how signs used for other
7 modes of transportation may be effectively used
8 in the rail industry;

9 (B) a review of how signs used in the rail-
10 road industry differ; and

11 (C) an analysis of whether a uniform sys-
12 tem for speed signs across the United States
13 rail system would benefit the railroad industry
14 and improve safety.

15 (2) Reevaluate seat securement mechanisms
16 and the susceptibility of such mechanisms to inad-
17 vertent rotation, and identify a means to prevent the
18 failure of such mechanisms to maintain seat secure-
19 ment.

20 (3) Conduct research to evaluate the causes of
21 passenger injuries in passenger railcar derailments
22 and overturns and evaluate potential methods for
23 mitigating such injuries.

24 (4) Based on the research conducted under
25 paragraph (3), develop occupant protection stand-

1 ards for passenger railcars that will mitigate pas-
2 senger injuries likely to occur during derailments
3 and overturns.

4 (5) Develop policies for the safe use of child
5 seats to prevent uncontrolled or unexpected move-
6 ments in intercity passenger trains from disrupting
7 the secure position of such seats.

8 (b) REQUIREMENTS FOR AMTRAK.—Not later than
9 18 months after the date of enactment of this Act, Amtrak
10 shall—

11 (1) ensure operating crewmembers demonstrate
12 proficiency, under daylight and nighttime conditions,
13 on the physical characteristics of a territory by using
14 all resources available, including in-cab instruments,
15 observation rides, throttle time, signage, signals, and
16 landmarks;

17 (2) ensure the proficiency required under para-
18 graph (1) is demonstrated on written examinations;

19 (3) revise classroom and road training pro-
20 grams to ensure that operating crews fully under-
21 stand all locomotive operating characteristics,
22 alarms, and the appropriate response to abnormal
23 conditions;

24 (4) when possible, require that all engineers un-
25 dergo simulator training—

1 (A) before operating new or unfamiliar
2 equipment (at a minimum, experience and re-
3 spond properly to all alarms); and

4 (B) to experience normal and abnormal
5 conditions on new territory before operating in
6 revenue service on such new territory;

7 (5) ensure that simulator training specified in
8 paragraph (4) supplements the hours engineers
9 spend training on new equipment before becoming
10 certified on such equipment and performing runs on
11 new territory before becoming qualified on such ter-
12 ritory;

13 (6) implement a formal, systematic approach to
14 developing training and qualification programs to
15 identify the most effective strategies for preparing
16 crewmembers to safely operate new equipment on
17 new territories;

18 (7) work in consultation with host railroad car-
19 riers and States that own infrastructure over which
20 Amtrak operates to complete a comprehensive as-
21 sessment of the territories to ensure that necessary
22 wayside signs and plaques are identified, highly no-
23 ticeable, and strategically located to provide oper-
24 ating crews the information needed to safely operate
25 trains;

1 (8) update the safety review process to ensure
2 that all operating documents are up to date and ac-
3 curate before initiating new or revised revenue oper-
4 ations;

5 (9) incorporate all prerevenue service planning,
6 construction, and route verification work into the
7 scope of a corporate-wide system safety plan, includ-
8 ing through rules and policies, risk assessment anal-
9 yses, safety assurances, and safety promotions; and

10 (10) conduct risk assessments on all new or up-
11 graded services that occur on Amtrak-owned terri-
12 tory, host railroads, or in States that own infra-
13 structure over which Amtrak operates.

14 (c) REPORT.—Not later than 18 months after the
15 date of enactment of this Act, the Secretary and Amtrak
16 shall submit to the Committee on Transportation and In-
17 frastructure of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate a report on their progress on meeting the require-
20 ments under subsections (a) and (b), respectively, includ-
21 ing a description of all completed elements of the require-
22 ments.

1 **SEC. 9508. ANNUAL REVIEW OF SPEED LIMIT ACTION**
2 **PLANS.**

3 Section 11406 of the FAST Act (Public Law 114–
4 94) is amended—

5 (1) in subsection (c) by inserting “or subsection
6 (d)(2)” after “subsection (b)”;

7 (2) by redesignating subsections (d) through (f)
8 as subsections (e) through (g), respectively;

9 (3) by inserting after subsection (c) the fol-
10 lowing:

11 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-
12 road carrier that files an action plan under subsection (b)
13 shall—

14 “(1) not later than 1 year after the date of en-
15 actment of the TRAIN Act, and annually thereafter,
16 review such plan to ensure the effectiveness of ac-
17 tions taken to enable warning and enforcement of
18 the maximum authorized speed for passenger trains
19 at each location identified under subsection (b)(1);
20 and

21 “(2) not later than 90 days prior to imple-
22 menting any operational or territorial operating
23 change, including initiating a new service or route,
24 submit to the Secretary a revised action plan that
25 addresses such operational or territorial operating
26 change.”; and

1 (4) by adding at the end the following:

2 “(h) PROHIBITION.—No new intercity rail passenger
3 transportation or commuter rail passenger service may
4 begin operation unless the railroad carrier providing such
5 service is in compliance with this section.”.

6 **SEC. 9509. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

7 (a) IN GENERAL.—Subchapter II of chapter 201 of
8 title 49, United States Code, is amended by adding at the
9 end the following:

10 **“§ 20169. Freight train crew size safety standards**

11 “(a) MINIMUM CREW SIZE.—No freight train may be
12 operated unless such train has a crew of at least 1 appro-
13 priately qualified and certified conductor and 1 appro-
14 priately qualified and certified engineer.

15 “(b) EXCEPTIONS.—Except as provided in subsection
16 (d), the prohibition in subsection (a) shall not apply in
17 any of the following circumstances:

18 “(1) Train operations within a rail yard or ter-
19 minal area or on auxiliary or industry tracks.

20 “(2) A train operated—

21 “(A) by a railroad carrier that has fewer
22 than 400,000 total employee work hours annu-
23 ally and less than \$40,000,000 annual revenue
24 (adjusted for inflation as measured by the Sur-

1 face Transportation Board Railroad Inflation-
2 Adjusted Index);

3 “(B) at a speed of not more than 25 miles
4 per hour; and

5 “(C) on a track with an average track
6 grade of less than 2 percent for any segment of
7 track that is at least 2 continuous miles.

8 “(3) Locomotives performing assistance to a
9 train that has incurred mechanical failure or lacks
10 the power to traverse difficult terrain, including
11 traveling to or from the location where assistance is
12 provided.

13 “(4) Locomotives that—

14 “(A) are not attached to any equipment or
15 attached only to a caboose; and

16 “(B) do not travel farther than 30 miles
17 from a rail yard.

18 “(5) Train operations staffed with fewer than a
19 2-person crew at least 1 year prior to the date of en-
20 actment of this section, if the Secretary determines
21 that the operation achieves an equivalent level of
22 safety.

23 “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-
24 ceptions under subsection (b) may not be applied to—

1 “(1) a train transporting 1 or more loaded cars
2 carrying material toxic by inhalation, as defined in
3 section 171.8 of title 49, Code of Federal Regula-
4 tions;

5 “(2) a train carrying 20 or more loaded tank
6 cars of a Class 2 material or a Class 3 flammable
7 liquid in a continuous block or a single train car-
8 rying 35 or more loaded tank cars of a Class 2 ma-
9 terial or a Class 3 flammable liquid throughout the
10 train consist; and

11 “(3) a train with a total length of 7,500 feet or
12 greater.

13 “(d) WAIVER.—A railroad carrier may seek a waiver
14 of the requirements of this section pursuant to section
15 20103(d).”.

16 (b) CLERICAL AMENDMENT.—The analysis for sub-
17 chapter II of chapter 201 of title 49, United States Code,
18 is amended by adding at the end the following:

“20169. Freight train crew size safety standards.”.

19 **SEC. 9510. SAFE CROSS BORDER OPERATIONS.**

20 (a) IN GENERAL.—Section 416 title IV of division
21 A of the Rail Safety Improvement Act of 2008 (49 U.S.C.
22 20107 note) is amended—

23 (1) by striking “Mechanical and brake” and in-
24 serting “(a) IN GENERAL.—Mechanical and brake”;
25 and

1 (2) by adding at the end the following:

2 “(b) WAIVER.—The Secretary may not grant any
3 waiver or waiver modification that provides for the ability
4 to perform mechanical or brake inspections of rail cars
5 in Mexico in lieu of complying with the certification re-
6 quirements of this section.”.

7 (b) SAFETY STANDARDS FOR CERTAIN RAIL
8 CREWS.—

9 (1) IN GENERAL.—Title IV of division A of the
10 Rail Safety Improvement Act of 2008 (Public Law
11 110–432) is amended by adding at the end the fol-
12 lowing:

13 **“SEC. 421. SAFETY STANDARDS FOR CERTAIN RAIL CREWS.**

14 “(a) IN GENERAL.—The Secretary of Transportation
15 may not permit covered rail employees to enter the United
16 States to perform train or dispatching service unless the
17 Secretary certifies that—

18 “(1) Mexico has adopted and is enforcing safety
19 standards for covered rail employees that are equiva-
20 lent to, or greater than, those applicable to railroad
21 employees whose primary reporting point is in the
22 United States, including qualification and certifi-
23 cation requirements under parts 240 and 242 of title
24 49, Code of Federal Regulations;

1 “(2) covered rail employees are subject to the
2 alcohol and drug testing requirements in part 219 of
3 title 49, Code of Federal Regulations, including the
4 requirements of subparts F, G, and H of such part,
5 to the same extent as such requirements apply to
6 railroad employees whose primary reporting point is
7 in the United States and who are subject to such
8 part;

9 “(3) covered rail employees are subject to hours
10 of service requirements under section 21103 of title
11 49, United States Code, at all times any such em-
12 ployee is on duty, regardless of location;

13 “(4) covered rail employees are subject to the
14 motor vehicle driving record evaluation requirements
15 in section 240.115 of title 49, Code of Federal Reg-
16 ulations, to the same extent as such requirements
17 apply to railroad employees whose primary reporting
18 point is in the United States and are subject to such
19 section, and that such evaluation includes driving
20 records from the same country as the employee’s
21 primary reporting point; and

22 “(5) the Federal Railroad Administration is
23 permitted to perform onsite inspections of rail facili-
24 ties in Mexico to ensure compliance with paragraphs
25 (1) and (2).

1 “(b) NOTICE REQUIRED.—

2 “(1) IN GENERAL.—Not later than 5 days after
3 the date on which the Secretary certifies each of the
4 requirements under paragraphs (1) through (5) of
5 subsection (a), the Secretary shall publish in the
6 Federal Register—

7 “(A) notice of each such certification; and

8 “(B) documentation supporting each such
9 certification.

10 “(2) PUBLIC COMMENT.—To ensure compliance
11 with the requirements of this section and any other
12 applicable safety requirements, the Secretary shall—

13 “(A) allow for public comment on the no-
14 tice required under paragraph (1); and

15 “(B) hold a public hearing on such notice.

16 “(3) CONGRESSIONAL NOTICE.—On the date on
17 which each publication required under paragraph (1)
18 is published in the Federal Register, the Secretary
19 shall notify the Committee on Transportation and
20 Infrastructure of the House of Representatives and
21 the Committee on Commerce, Science, and Trans-
22 portation of the Senate of such publication.

23 “(c) DRUG AND ALCOHOL TESTING.—

24 “(1) NONAPPLICATION OF EXEMPTION.—For
25 purposes of compliance with subsection (a)(2), the

1 exemption contained in part 219.3(d)(2) of title 49,
2 Code of Federal Regulations, shall not apply.

3 “(2) AUDIT BY OFFICE OF DRUG AND ALCOHOL
4 COMPLIANCE.—To ensure compliance with the drug
5 and alcohol testing programs described in subsection
6 (a)(2), the Office of Drug and Alcohol Compliance
7 in the Department of Transportation shall conduct
8 an annual audit of such programs and recommend
9 enforcement actions as needed.

10 “(d) DEFINITION OF COVERED RAIL EMPLOYEE.—
11 In this section, the term ‘covered rail employee’ means a
12 railroad employee whose primary reporting point is in
13 Mexico.”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents in section 1(b) of the Rail Safety Improvement
16 Act of 2008 (Public Law 110–432), is amended by
17 inserting after the item relating to section 420 the
18 following:

“Sec. 421. Safety standards for certain rail crews.”.

19 **SEC. 9511. YARDMASTERS HOURS OF SERVICE.**

20 (a) LIMITATIONS ON DUTY HOURS OF YARDMASTER
21 EMPLOYEES.—Section 21103 of title 49, United States
22 Code, is amended—

23 (1) in the section heading by inserting “**AND**
24 **YARDMASTER EMPLOYEES**” after “**TRAIN EM-**
25 **PLOYEES**”;

1 (2) by inserting “or yardmaster employee” after
2 “train employee” each place it appears; and

3 (3) in subsection (e) by inserting “or
4 yardmaster employee’s” after “During a train em-
5 ployee’s”.

6 (b) DEFINITIONS.—Section 21101 of title 49, United
7 States Code, is amended—

8 (1) in paragraph (3) by inserting “a yardmaster
9 employee,” after “dispatching service employee,”;
10 and

11 (2) by adding at the end the following:

12 “(6) ‘yardmaster employee’ means an indi-
13 vidual responsible for supervising and coordi-
14 nating the control of trains and engines oper-
15 ating within a rail yard.”.

16 (c) CONFORMING AMENDMENT.—The analysis for
17 chapter 211 of title 49, United States Code, is amended
18 by striking the item relating to section 21103 and insert-
19 ing the following:

“21103. Limitations on duty hours of train employees and yardmaster employ-
ees.”.

20 **SEC. 9512. LEAKING BRAKES.**

21 (a) IN GENERAL.—The Administrator of the Federal
22 Railroad Administration shall take such actions as are
23 necessary to ensure that no DB–60 air brake control valve

1 manufactured before January 1, 2006, is equipped on a
2 rail car operating on—

3 (1) a unit train north of the 37th parallel on
4 or after August 1, 2022; or

5 (2) a non-unit train north of the 37th parallel
6 on or after August 1, 2024.

7 (b) REPORTS.—Not later than 1 year after the date
8 of enactment of this Act, and every year thereafter until
9 brake valves described in subsection (a) are no longer op-
10 erating on rail cars as required under subsection (a), the
11 Administrator shall transmit to the Committee on Trans-
12 portation and Infrastructure of the House of Representa-
13 tives and the Committee on Commerce, Science, and
14 Transportation of the Senate a report that identifies—

15 (1) the estimated number of such brake valves
16 on rail cars operating on—

17 (A) unit trains north of the 37th parallel;

18 and

19 (B) non-unit trains north of the 37th par-
20 allel;

21 (2) any issues affecting the industry's progress
22 toward ensuring that such brake valves are phased
23 out in accordance with the requirements of sub-
24 section (a); and

1 (3) efforts the Administrator has taken since
2 the previous report to ensure such brake valves are
3 phased out in accordance with the requirements of
4 subsection (a).

5 (c) **ADDITIONAL VALVES.**—If the Administrator de-
6 termines that air brake control valves not covered under
7 subsection (a) demonstrate leakage in low temperatures
8 similar to the leakage exhibited by the air brake control
9 valve identified in subsection (a), the Administrator shall
10 ensure that the air brake control valves determined to be
11 demonstrating leakage under this subsection are phased
12 out in accordance with the requirements of subsection (a).

13 **SEC. 9513. ANNUAL REPORT ON PTC SYSTEM FAILURES.**

14 Section 20157 of title 49, United States Code, is
15 amended by adding at the end the following:

16 “(m) **ANNUAL REPORT OF SYSTEM FAILURES.**—Not
17 later than April 16 of each calendar year following the
18 date of an implementation deadline under subsection
19 (a)(1), each railroad shall submit to the Secretary a report
20 containing the number of positive train control system fail-
21 ures, separated by each major hardware category, that oc-
22 curred during the previous calendar year.”.

23 **SEC. 9514. FATIGUE REDUCTION PILOT PROJECTS.**

24 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
25 gress that—

1 (1) maintaining the highest level of safety
2 across the nation's railroad network is of critical im-
3 portance;

4 (2) ensuring the safety of rail transportation re-
5 quires the full attention of all workers engaged in
6 safety-critical functions;

7 (3) fatigue degrades an individual's ability to
8 stay awake, alert, and attentive to the demands of
9 safe job performance;

10 (4) the cognitive impairments to railroad work-
11 ers that result from fatigue can cause dangerous sit-
12 uations that put workers and communities at risk;

13 (5) the Rail Safety Improvement Act of 2008
14 mandated that the Federal Railroad Administration
15 conduct two pilot projects to analyze specific prac-
16 tices that may be used to reduce fatigue in employ-
17 ees and as of the date of enactment of this Act, nei-
18 ther pilot project has commenced; and

19 (6) the Federal Railroad Administration should
20 coordinate with the industry and the workforce to
21 commence and complete the fatigue pilot projects
22 mandated in 2008.

23 (b) PILOT PROJECTS.—Section 21109(e) of title 49,
24 United States Code, is amended—

1 (1) by striking “Not later than 2 years after
2 the date of enactment of the Rail Safety Improve-
3 ment Act of 2008” and inserting “Not later than 1
4 year after the date of enactment of the TRAIN
5 Act”; and

6 (2) by adding at the end the following:

7 “(3) COORDINATION.—The pilot projects re-
8 quired under subparagraph (1) shall be developed
9 and evaluated in coordination with the labor organi-
10 zation representing the class or craft of employees
11 impacted by the pilot projects.”.

12 (c) REIMBURSEMENT.—The Secretary of Transpor-
13 tation may reimburse railroads participating in the pilot
14 projects under 21109(e) of title 49, United States Code,
15 a share of the costs associated with the pilot projects, as
16 determined by the Secretary.

17 (d) REPORT.—

18 (1) IN GENERAL.—If the pilot projects required
19 under section 21109(e) of title 49, United States
20 Code, have not commenced on the date that is 1
21 year after the date of enactment of this Act, the
22 Secretary shall, not later than 1 year and 30 days
23 after the date of enactment of this Act, transmit to
24 the Committee on Transportation and Infrastructure
25 of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the
2 Senate a report describing—

3 (A) the status of the pilot projects;

4 (B) actions the Federal Railroad Adminis-
5 tration has taken to commence the pilot
6 projects, including efforts to recruit participant
7 railroads;

8 (C) any challenges impacting the com-
9 mencement of the pilot projects; and

10 (D) any other details associated with the
11 development of the pilot projects that affect the
12 progress toward meeting the mandate of such
13 section.

14 **SEC. 9515. ASSAULT PREVENTION AND RESPONSE PLANS.**

15 (a) AMENDMENT.—Subchapter II of chapter 201 of
16 title 49, United States Code, as amended by this division,
17 is further amended by adding at the end the following:

18 **“§ 20170. Assault prevention and response plans**

19 “(a) IN GENERAL.—Not later than 180 days after
20 the date of enactment of the TRAIN Act, any entity that
21 provides regularly scheduled intercity or commuter rail
22 passenger transportation shall submit to the Secretary of
23 Transportation for review and approval an assault preven-
24 tion and response plan (in this section referred to as the
25 ‘Plan’) to address transportation assaults.

1 “(b) CONTENTS OF PLAN.—The Plan required under
2 subsection (a) shall include—

3 “(1) procedures that—

4 “(A) facilitate the reporting of a transpor-
5 tation assault, including the notification of on-
6 site personnel, rail law enforcement, and local
7 law enforcement;

8 “(B) personnel should follow up on the re-
9 porting of a transportation assault, including
10 actions to protect affected individuals from con-
11 tinued assault;

12 “(C) may be taken to remove the pas-
13 senger or personnel who has committed a trans-
14 portation assault from the train or related area
15 or facility as soon as practicable when appro-
16 priate;

17 “(D) include protections and safe reporting
18 practices for passengers who may have been as-
19 sailed by personnel; and

20 “(E) may limit or prohibit, to the extent
21 practicable, future travel with the entity de-
22 scribed in subsection (a) by any passenger or
23 personnel who commits a transportation assault
24 against personnel or passengers;

1 “(2) a policy that ensures an employee who is
2 a victim or witness of a transportation assault may
3 participate in the prosecution of a criminal offense
4 of such assault without any adverse effect on the vic-
5 tim’s or witnesses’ employment status; and

6 “(3) a process and timeline for conducting an
7 annual review and update of the Plan.

8 “(c) NOTICE TO PASSENGERS.—An entity described
9 under subsection (a) shall display onboard trains and in
10 boarding areas, as appropriate, a notice stating the enti-
11 ty’s abilities to restrict future travel under subsection
12 (b)(1)(E).

13 “(d) PERSONNEL TRAINING.—An entity described
14 under subsection (a) shall provide initial and annual train-
15 ing for all personnel on the contents of the Plan, including
16 training regarding—

17 “(1) the procedures described in subsection (b);

18 “(2) methods for responding to hostile situa-
19 tions, including de-escalation training; and

20 “(3) rights and responsibilities of personnel
21 with respect to a transportation assault on them-
22 selves, other personnel, or passengers.

23 “(e) PERSONNEL PARTICIPATION.—The Plan re-
24 quired under subsection (a) shall be developed and imple-

1 mented with the direct participation of personnel, and, as
2 applicable, labor organizations representing personnel.

3 “(f) REPORTING.—

4 “(1) INCIDENT NOTIFICATION.—

5 “(A) IN GENERAL.—Not later than 10
6 days after a transportation assault incident, the
7 applicable entity described in subsection (a)
8 shall notify personnel employed at the location
9 in which the incident occurred. In the case of
10 an incident on a vehicle, such entity shall notify
11 personnel regularly scheduled to carry out em-
12 ployment activities on the service route on
13 which the incident occurred.

14 “(B) CONTENT OF INCIDENT REPORT.—

15 The notification required under paragraph (1)
16 shall—

17 “(i) include a summary of the inci-
18 dent; and

19 “(ii) be written in a manner that pro-
20 tects the confidentiality of individuals in-
21 volved in the incident.

22 “(2) ANNUAL REPORT.—For each calendar
23 year, each entity with respect to which a transpor-
24 tation assault incident has been reported during

1 such year shall submit to the Secretary report that
2 describes—

3 “(A) the number of assault incidents re-
4 ported to the entity, including—

5 “(i) the number of incidents com-
6 mitted against passengers; and

7 “(ii) the number of incidents com-
8 mitted against personnel; and

9 “(B) the number of assault incidents re-
10 ported to rail or local law enforcement by per-
11 sonnel of the entity.

12 “(3) PUBLICATION.—The Secretary shall make
13 available to the public on the primary website of the
14 Federal Railroad Administration the data collected
15 under paragraph (2).

16 “(4) DATA PROTECTION.—Data made available
17 under this subsection shall be made available in a
18 manner that protects the confidentiality of individ-
19 uals involved in transportation assault incidents.

20 “(g) DEFINITION OF TRANSPORTATION ASSAULT.—
21 In this section, the term ‘transportation assault’ means
22 the occurrence, or reasonably suspected occurrence, of an
23 act that—

24 “(1) constitutes assault;

1 “(2) is committed by a passenger or member of
2 personnel of an entity that provides regularly sched-
3 uled intercity or commuter rail passenger transpor-
4 tation against another passenger or member of per-
5 sonnel of such entity; and

6 “(3) takes place—

7 “(A) within a vehicle of such entity; or

8 “(B) in an area in which passengers are
9 entering or exiting a vehicle described in sub-
10 paragraph (A); or

11 “(C) a station or facility where such entity
12 operates, regardless of ownership of the station
13 or facility.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 subchapter II of chapter 201 of title 49, United States
16 Code, as amended by this division, is further amended by
17 adding at the end the following:

 “20170. Assault prevention and response plans.”.

18 **SEC. 9516. CRITICAL INCIDENT STRESS PLANS.**

19 The Secretary of Transportation shall issue such reg-
20 ulations as are necessary to amend part 272 of title 49,
21 Code of Federal Regulations, to ensure that—

22 (1) the coverage of a critical incident stress
23 plan under section 272.7 of such part includes em-
24 ployees of commuter railroads and intercity pas-
25 senger railroads, as such terms are defined in sec-

1 tion 272.9 of such part, who directly interact with
2 passengers; and

3 (2) assault and the witnessing of an assault
4 against an employee or train passenger is included
5 in the definition of critical incident under section
6 272.9 of such part.

7 **SEC. 9517. STUDY ON SAFETY CULTURE ASSESSMENTS.**

8 (a) IN GENERAL.—The Administrator of the Federal
9 Railroad Administration shall conduct a study on the fea-
10 sibility of expanding railroad safety culture assessments
11 and training to include assessments and training for work-
12 ers employed by tourist railroads, passenger railroads, and
13 commuter railroads.

14 (b) CONTENTS OF STUDY.—The study required
15 under subsection (a) shall include—

16 (1) an analysis on the need for the expansion;

17 (2) the resources required to carry out the addi-
18 tional assessments and training; and

19 (3) other potential safety challenges the initia-
20 tive could address.

21 (c) REPORT.—The Federal Railroad Administration
22 shall submit to the Committee on Transportation and In-
23 frastructure of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of the

1 Senate a report on the results of the study conducted
2 under subsection (a).

3 **Subtitle B—Grade Crossing Safety**

4 **SEC. 9551. GRADE CROSSING SEPARATION GRANTS.**

5 (a) IN GENERAL.—Subchapter II of chapter 201 of
6 title 49, United States Code, as amended by this division,
7 is further amended by adding at the end the following:

8 **“§ 20171. Grade crossing separation grants**

9 “(a) GENERAL AUTHORITY.—The Secretary of
10 Transportation shall make grants under this section to eli-
11 gible entities to assist in financing the cost of highway-
12 rail grade separation projects.

13 “(b) APPLICATION REQUIREMENTS.—To be eligible
14 for a grant under this section, an eligible entity shall sub-
15 mit to the Secretary an application in such form, in such
16 manner, and containing such information as the Secretary
17 may require, including—

18 “(1) an agreement between the entity that owns
19 or controls the right-of-way and the applicant ad-
20 dressing access to right-of-way throughout the
21 project; and

22 “(2) a cost-sharing agreement with the funding
23 amounts that the entity that owns or controls the
24 right-of-way shall contribute to the project, which

1 shall be not less than 10 percent of the total project
2 cost.

3 “(c) ELIGIBLE PROJECTS.—The following projects
4 are eligible to receive a grant under this section:

5 “(1) Installation, repair, or improvement of
6 grade crossing separations.

7 “(2) Grade crossing elimination incidental to el-
8 igible grade crossing separation projects.

9 “(3) Project planning, development, and envi-
10 ronmental work related to a project described in
11 paragraph (1) or (2).

12 “(d) PROJECT SELECTION CRITERIA.—

13 “(1) LARGE PROJECTS.—Of amounts made
14 available to carry out this section, not more than 50
15 percent shall be available for projects with total
16 costs of \$100,000,000 or greater.

17 “(2) CONSIDERATIONS.—In awarding grants
18 under this section, the Secretary—

19 “(A) shall give priority to projects that
20 maximize the safety benefits of Federal fund-
21 ing; and

22 “(B) may evaluate applications on the
23 safety profile of the existing crossing, 10-year
24 history of accidents at such crossing, inclusion
25 of the proposed project on a grade crossing

1 safety action plan, average automobile traffic,
2 freight and passenger train traffic, average
3 daily number of crossing closures, and prox-
4 imity of community resources, including
5 schools, hospitals, fire stations, police stations,
6 and emergency medical service facilities.

7 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

8 “(1) TOTAL PROJECT COSTS.—The Secretary
9 shall estimate the total costs of a project under this
10 section based on the best available information, in-
11 cluding any available engineering studies, studies of
12 economic feasibility, environmental analysis, and in-
13 formation on the expected use of equipment or facili-
14 ties.

15 “(2) FEDERAL SHARE.—The Federal share for
16 a project carried out under this section shall not ex-
17 ceed 85 percent.

18 “(f) GRANT CONDITIONS.—An eligible entity may not
19 receive a grant for a project under this section unless such
20 project is in compliance with section 22905, except that
21 22905(b) shall only apply to a person that conducts rail
22 operations.

23 “(g) TWO YEAR LETTERS OF INTENT.—

24 “(1) IN GENERAL.—The Secretary shall, to the
25 maximum extent practicable, issue a letter of intent

1 to a recipient of a grant under subsection (d)(1)
2 that—

3 “(A) announces an intention to obligate for
4 no more than 2 years, for a major capital
5 project under subsection (d)(1), an amount that
6 is not more than the amount stipulated as the
7 financial participation of the Secretary for the
8 project; and

9 “(B) states that the contingent commit-
10 ment—

11 “(i) is not an obligation of the Fed-
12 eral Government; and

13 “(ii) is subject to the availability of
14 appropriations for grants under this sec-
15 tion and subject to Federal laws in force or
16 enacted after the date of the contingent
17 commitment.

18 “(2) CONGRESSIONAL NOTIFICATION.—

19 “(A) IN GENERAL.—Not later than 3 days
20 before issuing a letter of intent under para-
21 graph (1), the Secretary shall submit written
22 notification to—

23 “(i) the Committee on Transportation
24 and Infrastructure of the House of Rep-
25 resentatives;

1 “(ii) the Committee on Appropriations
2 of the House of Representatives;

3 “(iii) the Committee on Appropria-
4 tions of the Senate; and

5 “(iv) the Committee on Commerce,
6 Science, and Transportation of the Senate.

7 “(B) CONTENTS.—The notification sub-
8 mitted under subparagraph (A) shall include—

9 “(i) a copy of the letter of intent;

10 “(ii) the criteria used under sub-
11 section (b) for selecting the project for a
12 grant; and

13 “(iii) a description of how the project
14 meets such criteria.

15 “(h) APPROPRIATIONS REQUIRED.—An obligation or
16 administrative commitment may be made under subsection
17 (g) only after amounts are appropriated for such purpose.

18 “(i) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a State;

22 “(B) a public agency or publicly chartered
23 authority;

24 “(C) a metropolitan planning organization;

25 “(D) a political subdivision of a State; and

1 “(E) a Tribal government.

2 “(2) METROPOLITAN PLANNING ORGANIZA-
3 TION.—The term ‘metropolitan planning organiza-
4 tion’ has the meaning given such term in section
5 134(b) of title 23.

6 “(3) STATE.—The term ‘State’ means a State
7 of the United States or the District of Columbia.”.

8 (b) CLERICAL AMENDMENT.—The analysis for sub-
9 chapter II of chapter 201 of title 49, United States Code,
10 as amended by this division, is further amended by adding
11 at the end the following:

“20171. Grade crossing separation grants.”.

12 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANTS.**

13 (a) IN GENERAL.—Subchapter II of chapter 201 of
14 title 49, United States Code, as amended by this division,
15 is further amended by adding at the end the following:

16 **“§ 20172. Rail safety public awareness grants**

17 “(a) GRANT.—The Administrator of the Federal
18 Railroad Administration shall make grants to eligible enti-
19 ties to carry out public information and education pro-
20 grams to help prevent and reduce rail-related pedestrian,
21 motor vehicle, and other accidents, incidents, injuries, and
22 fatalities, and to improve awareness along railroad rights-
23 of-way and at railway-highway grade crossings.

24 “(b) APPLICATION.—To be eligible to receive a grant
25 under this section, an eligible entity shall submit to the

1 Administrator an application in such form, in such man-
2 ner, and containing such information as the Secretary may
3 require.

4 “(c) CONTENTS.—Programs eligible for a grant
5 under this section—

6 “(1) shall include, as appropriate—

7 “(A) development, placement, and dissemi-
8 nation of public service announcements in ap-
9 propriate media;

10 “(B) school presentations, driver safety
11 education, materials, and public awareness cam-
12 paigns; and

13 “(C) disseminating information to the pub-
14 lic on how to identify and report to the appro-
15 priate authorities unsafe or malfunctioning
16 highway-rail grade crossings; and

17 “(2) may include targeted and sustained out-
18 reach in communities at greatest risk to develop
19 measures to reduce such risk.

20 “(d) COORDINATION.—Eligible entities shall coordi-
21 nate program activities with local communities, law en-
22 forcement and emergency responders, and rail carriers, as
23 appropriate, and ensure consistency with State highway-
24 rail grade crossing action plans required under section
25 11401(b) of the FAST Act (49 U.S.C. 22501 note) and

1 the report titled ‘National Strategy to Prevent Tres-
2 passing on Railroad Property’ issued by the Federal Rail-
3 road Administration in October 2018.

4 “(e) PRIORITIZATION.—In awarding grants under
5 this section, the Administrator shall give priority to appli-
6 cations for programs that—

7 “(1) are nationally recognized;

8 “(2) are targeted at schools in close proximity
9 to railroad rights-of-way;

10 “(3) partner with nearby railroad carriers; or

11 “(4) focus on communities with a recorded his-
12 tory of repeated pedestrian and motor vehicle acci-
13 dents, incidents, injuries, and fatalities at highway-
14 rail grade crossings and along railroad rights-of-way.

15 “(f) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—the term ‘eligible enti-
17 ty’ means—

18 “(A) a nonprofit organization;

19 “(B) a State;

20 “(C) a political subdivision of a State; and

21 “(D) a public law enforcement agency or
22 emergency response organization.

23 “(2) STATE.—The term ‘State’ means a State
24 of the United States, the District of Columbia, and
25 Puerto Rico.”.

1 (b) CLERICAL AMENDMENT.—The analysis for sub-
2 chapter II of chapter 201 of title 49, United States Code,
3 as amended by this division, is further amended by adding
4 at the end the following:

“20172. Rail safety public awareness grants.”.

5 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
6 **BLOCKING PUBLIC GRADE CROSSINGS.**

7 (a) IN GENERAL.—Subchapter II of chapter 201 of
8 title 49, United States Code, as amended by this division,
9 is further amended by adding at the end the following:
10 **“§ 20173. Time limit for blocking a rail crossing**

11 “(a) TIME LIMIT.—A train, locomotive, railroad car,
12 or other rail equipment is prohibited from blocking a
13 crossing for more than 10 minutes, unless the train, loco-
14 motive, or other equipment is directly delayed by—

15 “(1) a casualty or serious injury;

16 “(2) an accident;

17 “(3) a track obstruction;

18 “(4) an act of God; or

19 “(5) a derailment or a major equipment failure
20 that prevents the train from advancing.

21 “(b) CIVIL PENALTY.—The Secretary of Transpor-
22 tation may issue civil penalties for violations of subsection
23 (a) in accordance with section 21301.

24 “(c) DELEGATION.—The Secretary may delegate en-
25 forcement actions under subsection (b) to States either

1 through a State inspector certified by the Federal Rail-
2 road Administration, or other law enforcement officials as
3 designated by the States and approved by the Administra-
4 tion. The Secretary shall issue guidance or regulations not
5 later than 1 year after the date of enactment on the cri-
6 teria and process for States to gain approval under this
7 section.

8 “(d) APPLICATION TO AMTRAK AND COMMUTER
9 RAILROADS.—This section shall not apply to Amtrak or
10 commuter authorities, including Amtrak and commuter
11 authorities’ operations run or dispatched by a Class I rail-
12 road.

13 “(e) DEFINITIONS.—In this section:

14 “(1) CROSSING.—The term ‘crossing’ means a
15 location within a State in which a public highway,
16 road, or street, including associated sidewalks and
17 pathways, crosses 1 or more railroad tracks either at
18 grade or grade-separated.

19 “(2) BLOCKED CROSSING.—The term ‘blocked
20 crossing’ means a circumstance in which a train, lo-
21 comotive, railroad car, or other rail equipment is
22 stopped in a manner that obstructs public travel at
23 a crossing.”.

24 (b) CLERICAL AMENDMENT.—The analysis for sub-
25 chapter II of chapter 201 of title 49, United States Code,

1 is further amended by adding at the end the following new
2 item:

“20173. Time limit for blocking a rail crossing.”.

3 **SEC. 9554. NATIONAL STRATEGY TO ADDRESS BLOCKED**
4 **CROSSINGS.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation shall submit to the Committee on Transpor-
8 tation and Infrastructure of the House of Representatives
9 and the Committee on Commerce, Science, and Transpor-
10 tation of the Senate, and make publicly available on the
11 website of the Department of Transportation, a report
12 containing a national strategy to address blocked cross-
13 ings.

14 (b) PUBLIC LAW 116–94.—The strategy required
15 under subsection (a) shall incorporate the recommenda-
16 tions and briefing described in the report accompanying
17 the Department of Transportation Appropriations Act,
18 2020 (Public Law 116–94) with respect to the amounts
19 provided under the heading “Federal Railroad Adminis-
20 tration—Safety and Operations”.

21 (c) REPORT CONTENTS.—The strategy required
22 under subsection (a) shall include an analysis of the fol-
23 lowing topics, including any specific legislative or regu-
24 latory recommendations:

1 (1) How best to engage the public, representa-
2 tives of labor organizations representing railroad em-
3 ployees, law enforcement officers, highway traffic of-
4 ficials, or other employees of a public agency acting
5 in an official capacity to identify and address
6 blocked crossings.

7 (2) How technology and positive train control
8 system data can be used to identify and address in-
9 stances of blocked crossings.

10 (3) How to identify and address instances of
11 blocked crossings at crossings with passive or no
12 warning devices.

13 (4) How best to use the data collected under a
14 webpage established by the Secretary for the public
15 and law enforcement to report instances of blocked
16 crossings, including whether such data should be
17 verified by each rail carrier or incorporated into the
18 national crossing inventory established under section
19 20160 of title 49, United States Code.

20 (d) UPDATING STRATEGY.—The Secretary shall
21 evaluate the strategy developed under this section not less
22 than every 5 years, and update it as needed.

23 (e) DEFINITIONS.—In this section:

24 (1) BLOCKED CROSSING.—The term “blocked
25 crossing” means a circumstance in which a train, lo-

1 comotive, railroad car, or other rail equipment is
2 stopped in a manner that obstructs public travel at
3 a crossing.

4 (2) POSITIVE TRAIN CONTROL SYSTEM.—The
5 term “positive train control system” has the mean-
6 ing given the term in section 20157(i) of title 49,
7 United States Code.

8 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**
9 **CROSSING MATTERS.**

10 Section 20152 of title 49, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (C) by striking
15 “or” at the end;

16 (ii) by redesignating subparagraph
17 (D) as subparagraph (E); and

18 (iii) by inserting the following after
19 subparagraph (C):

20 “(D) blocked crossings; or”;

21 (B) in paragraph (4)—

22 (i) by striking “paragraph (1)(C) or
23 (D)” and inserting “subparagraph (C),
24 (D), or (E) of paragraph (1)”; and

25 (ii) by striking “and” at the end;

1 (C) in paragraph (5) by striking the period
2 at the end and inserting “; and” ; and

3 (D) by adding at the end the following:

4 “(6) promptly inform the Secretary if the num-
5 ber required to be established under subsection (a)
6 has changed and report the new number to the Sec-
7 retary.”; and

8 (2) by adding at the end the following:

9 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
10 Secretary shall make any telephone number established
11 under subsection (a) publicly available on the website of
12 the Department of Transportation.”.

13 **SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVEN-**
14 **TORY REVIEW.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall expend such sums as are necessary to conduct
18 a comprehensive review of the national highway-rail cross-
19 ing inventory of the Department of Transportation estab-
20 lished under section 20160 of title 49, United States Code.

21 (b) CONTENTS.—In conducting the review required
22 under subsection (a), the Secretary shall—

23 (1) verify the accuracy of the data contained in
24 the inventory described in subsection (a) using map-
25 ping technologies and other methods; and

1 (2) correct erroneous data in such inventory.

2 (c) REPORT.—Not later than 30 days after the com-
3 pletion of the review required under subsection (a), the
4 Secretary shall submit to the Committee on Transpor-
5 tation and Infrastructure of the House of Representatives
6 and the Committee on Commerce, Science, and Transpor-
7 tation of the Senate a report detailing corrections made
8 to the inventory described in subsection (a) and the Sec-
9 retary’s plans to ensure continued accuracy of such inven-
10 tory.

11 **SEC. 9557. COUNTING RAILROAD SUICIDES.**

12 (a) IN GENERAL.—Not less than 180 days after the
13 enactment of this Act, the Secretary of Transportation
14 shall revise any regulations, guidance, or other relevant
15 agency documents to count suicides on a railroad crossing
16 or railroad right-of-way as trespassing deaths.

17 (b) AUTHORITY OF THE SECRETARY.—In carrying
18 out subsection (a), the Secretary may require Federal,
19 State, and local agencies, railroads, or other entities to
20 submit such data as necessary.

21 (c) APPLICABILITY OF RULEMAKING REQUIRE-
22 MENTS.—The requirements of section 553 of title 5,
23 United States Code, shall not apply to the modification
24 required by subsection (a).

1 **DIVISION E—AVIATION**
2 **TITLE I—AIRPORT AND AIRWAY**
3 **INFRASTRUCTURE**

4 **SEC. 10101. AIRPORT PLANNING AND DEVELOPMENT AND**
5 **NOISE COMPATIBILITY PLANNING AND PRO-**
6 **GRAMS.**

7 (a) **AUTHORIZATION.**—Section 48103(a) of title 49,
8 United States Code, is amended by striking paragraphs
9 (4), (5), and (6) and inserting the following:

10 “(4) \$4,000,000,000 for fiscal year 2021;

11 “(5) \$4,000,000,000 for fiscal year 2022;

12 “(6) \$4,000,000,000 for fiscal year 2023;

13 “(7) \$4,000,000,000 for fiscal year 2024; and

14 “(8) \$4,000,000,000 for fiscal year 2025.”.

15 (b) **OBLIGATION AUTHORITY.**—Section 47104(c) of
16 title 49, United States Code, is amended in the matter
17 preceding paragraph (1) by striking “2023,” and inserting
18 “2025,”.

19 (c) **MAINTAINING PRECRISIS AIRPORT IMPROVE-**
20 **MENT PROGRAM LEVELS.**—Section 47114(c)(1) of title
21 49, United States Code, is amended by adding at the end
22 the following:

23 “(J) **SPECIAL RULE FOR FISCAL YEARS**
24 **2021 THROUGH 2025.**—Notwithstanding sub-
25 paragraph (A), the Secretary shall apportion to

1 a sponsor of an airport under such subpara-
2 graph for each of fiscal years 2021 through
3 2025 an amount based on the number of pas-
4 senger boardings at the airport during calendar
5 year 2019, if the number of passenger
6 boardings at the airport during calendar year
7 2019 is greater than the number of passenger
8 boardings that would be otherwise calculated
9 under subparagraph (A).”.

10 **SEC. 10102. SUPPLEMENTAL FUNDING FOR AIRPORTS.**

11 (a) IN GENERAL.—In addition to the amounts made
12 available under section 48103(a) of title 49, United States
13 Code, there are authorized to be appropriated from the
14 general fund of the Treasury for the Secretary of Trans-
15 portation to make grants for eligible uses under subsection
16 (e)—

- 17 (1) \$3,000,000,000 for fiscal year 2021;
- 18 (2) \$3,250,000,000 for fiscal year 2022;
- 19 (3) \$3,500,000,000 for fiscal year 2023;
- 20 (4) \$3,750,000,000 for fiscal year 2024; and
- 21 (5) \$4,000,000,000 for fiscal year 2025.

22 (b) DISTRIBUTION OF FUNDS.—Amounts made avail-
23 able under subsection (a) shall be distributed as follows:

- 24 (1) After setting aside amounts under sub-
25 section (c), remaining funds shall be distributed to

1 all sponsors of commercial service airports, as such
2 term is defined in section 47102 of title 49, United
3 States Code, based on each such airport's passenger
4 enplanements compared to total passenger
5 enplanements for all commercial service airports, for
6 calendar year 2019 or the most recent calendar
7 year, whichever year has the greater total
8 enplanements. If calendar year 2019 enplanements
9 are used, a proportional adjustment (using
10 enplanements for the most recent calendar year)
11 shall be made for any airport that becomes a com-
12 mercial service airport after calendar year 2019.

13 (2) An airport sponsor that was allocated more
14 than 4 times such sponsor's annual operating ex-
15 penses under the CARES Act (Public Law 116–136)
16 may not receive supplemental funding under sub-
17 section (a) for fiscal years 2021 or 2022.

18 (c) SET ASIDES.—For each fiscal year, of the total
19 funds appropriated pursuant to subsection (a), the Sec-
20 retary shall set aside—

21 (1) 3.5 percent of such funds to make grants
22 to the sponsors of cargo airports, as described in
23 section 47114(c)(2)(A) of title 49, United States
24 Code;

1 (2) 4 percent of such funds to make grants to
2 general aviation, reliever, and nonprimary commer-
3 cial service airports, as such terms are defined in
4 section 47102 of title 49, United States Code, based
5 on capacity needs or the needs of the aviation sys-
6 tem; and

7 (3) 4.5 percent of such funds to make grants
8 to any airport sponsor for—

9 (A) airport emission reduction projects de-
10 scribed in subparagraph (K), (L), or (O) of sec-
11 tion 47102(3) of title 49, United States Code,
12 or section 47136(a) of title 49, United States
13 Code;

14 (B) airport resiliency projects described in
15 section 47102(3)(S) of title 49, United States
16 Code, as added by this Act;

17 (C) airport noise compatibility and mitiga-
18 tion planning, programs, and projects, including
19 planning, programs, and projects described in
20 sections 47504 or 47505 of title 49, United
21 States Code; and

22 (D) other airport projects that reduce the
23 adverse effects of airport operations on the en-
24 vironment and surrounding communities, as de-
25 termined appropriate by the Administrator.

1 (d) APPORTIONMENT FOR ENVIRONMENTAL
2 PROJECTS.—Of the funds set aside under subsection
3 (c)(3), not less than 50 percent of such funds shall be ap-
4 plied to projects described in subparagraph (A) of such
5 subsection.

6 (e) ELIGIBLE USES.—The following rules shall apply
7 to grants provided under subsection (a):

8 (1) Grants provided in fiscal year 2021 may be
9 used for eligible projects under chapter 471 of title
10 49, United States Code, terminal development
11 projects, operations, ensuring public health, clean-
12 ing, sanitization, janitorial services, refurbishing or
13 replacing systems and technologies to combat the
14 spread of pathogens, staffing, workforce retention,
15 paid leave, procurement of protective health equip-
16 ment and training for employees and contractors on
17 use of such equipment, debt service payments, and
18 rent and fee waivers to airport concessionaires and
19 other lessees.

20 (2) Grants provided in fiscal years 2022
21 through 2025 may be used for—

22 (A) eligible projects under chapter 471 of
23 title 49, United States Code;

1 (B) any eligible airport-related projects de-
2 fined under section 40117(a)(3) of title 49,
3 United States Code;

4 (C) any development project of an airport,
5 local airport system, or other local facilities—

6 (i) owned or operated by the airport
7 owner or operator; and

8 (ii) directly and substantially related
9 to the air transportation of passengers or
10 property; and

11 (D) debt service or other financing costs
12 related to such projects.

13 (3) Funds provided under this section may not
14 be used for any purposes not directly related to the
15 airport for which such grant is provided.

16 (f) FEDERAL SHARE.—Notwithstanding section
17 47109 of title 49, United States Code, the Federal share
18 of the costs of a project for carried out using a grant pro-
19 vided under this section shall be 100 percent.

20 (g) REQUIREMENTS AND ASSURANCES.—Except for
21 project eligibility under this section, the requirements and
22 grant assurances applicable to sponsors receiving grants
23 under chapter 471 of title 49, United States Code, shall
24 apply to any sponsor awarded a grant for an eligible
25 project under subsection (e)(2)(A), eligible airport-related

1 project under subsection (e)(2)(B), a development project
2 under subsection (e)(2)(C), or eligible project or terminal
3 development project listed under subsection (e)(1).

4 (h) AVAILABILITY.—Funds made available under
5 subsection (a) shall remain available for 3 fiscal years.

6 (i) ADMINISTRATION.—Of the amounts made avail-
7 able to carry out this section, the Secretary may reserve
8 up to \$8,000,000 for each of fiscal years 2021 through
9 2025 for the administrative costs of carrying out this sec-
10 tion.

11 **SEC. 10103. AIRPORT RESILIENCY PROJECTS.**

12 Section 47102 of title 49, United States Code, is
13 amended—

14 (1) in paragraph (3) by adding at the end the
15 following:

16 “(S) improvement of any critical airport
17 infrastructure at a nonhub, small hub, medium
18 hub, or large hub airport to increase resilience
19 for the purpose of resuming flight operations
20 under visual flight rules following a natural dis-
21 aster.”;

22 (2) by redesignating paragraphs (14), (15),
23 (16), (17), (18), (19), (20), (21), (22), (23), (24),
24 (25), (26), (27), and (28) as paragraphs (16), (17),

1 (18), (19), (20), (21), (22), (23), (24), (25), (26),
2 (27), (28), (29), and (30), respectively;

3 (3) by redesignating paragraphs (8), (9), (10),
4 (11), (12), and (13) as paragraphs (9), (10), (11),
5 (12), (13), and (14), respectively;

6 (4) by inserting after paragraph (14), as so re-
7 designated, the following:

8 “(15) ‘natural disaster’ means earthquake,
9 flooding, high water, hurricane, storm surge, tidal
10 wave, tornado, tsunami or wind driven water.”; and

11 (5) by inserting after paragraph (7) the fol-
12 lowing:

13 “(8) ‘critical airport infrastructure’ means run-
14 ways, taxiways, and aprons necessary to sustain
15 commercial service flight operations.”.

16 **SEC. 10104. FAA AIR TRAFFIC CONTROL FACILITIES.**

17 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
18 authorized to be appropriated from the general fund of
19 the Treasury to the Administrator of the Federal Aviation
20 Administration \$1,000,000,000 to be used exclusively to
21 bring air traffic control facilities of the Administration
22 into acceptable condition, including sustaining, rehabili-
23 tating, replacing, or modernizing such facilities and associ-
24 ated costs.

1 (b) CONSULTATION.—Before taking any action under
2 this section, the Administrator shall consult with the ex-
3 clusive bargaining representatives of air traffic controllers
4 and airway transportation system specialists certified
5 under section 7111 of title 5, United States Code.

6 **TITLE II—ENVIRONMENT**

7 **SEC. 10201. ALTERNATIVE FUEL AND LOW-EMISSION AVIA-** 8 **TION TECHNOLOGY PROGRAM.**

9 (a) IN GENERAL.—The Secretary of Transportation,
10 in consultation with the Administrator of the Environ-
11 mental Protection Agency, shall establish and carry out
12 a competitive grant and cost-sharing agreement program
13 for eligible entities to carry out projects located in the
14 United States that—

15 (1) develop, demonstrate, or apply low-emission
16 aviation technologies; and

17 (2) produce, transport, blend, or store sustain-
18 able aviation fuels that would reduce greenhouse gas
19 emissions attributable to the operation of aircraft
20 that have fuel uplift in the United States.

21 (b) SELECTION.—In carrying out subsection (a), the
22 Secretary shall consider—

23 (1) the anticipated public benefits of the
24 project;

1 (2) the potential to increase the domestic pro-
2 duction and deployment of sustainable aviation fuels
3 or the use of low emission aviation technologies
4 among the United States commercial aviation and
5 aerospace industry;

6 (3) the potential greenhouse gas emissions from
7 the project, including emissions resulting from the
8 development of the project;

9 (4) the potential for creating new jobs in the
10 United States;

11 (5) the potential the project has to reduce or
12 displace, on a lifecycle basis, United States green-
13 house gas emissions associated with air travel;

14 (6) the proposed utilization of non-Federal con-
15 tributions; and

16 (7) for projects related to the production of sus-
17 tainable aviation fuel, the potential net greenhouse
18 gas emissions impact of such fuel on a lifecycle
19 basis, which shall include potential direct and indi-
20 rect greenhouse gas emissions (including resulting
21 from changes in land use).

22 (c) **ADDITIONAL CONSIDERATIONS.**—In evaluating
23 projects under subsection (a), the Secretary shall con-
24 sider—

1 (1) the benefits of ensuring a variety of feed-
2 stocks for sustainable aviation fuels;

3 (2) the use of direct air capture;

4 (3) aeronautical construction and design im-
5 provements that result in more efficient aircraft, in-
6 cluding high-performance lightweight materials;

7 (4) more efficient aircraft engines, including hy-
8 brid engines and electric engines suitable for fully or
9 partially powering aircraft operations; and

10 (5) air traffic management and navigation tech-
11 nologies that permit more efficient flight patterns.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated \$200,000,000 for each of
14 fiscal years 2021 through 2025 to carry out this section.

15 (e) FUNDING DISTRIBUTION.—Of the amount made
16 available under subsection (d), 50 percent of such amount
17 shall be awarded for projects described in subsection
18 (a)(1) and 50 percent shall be awarded for projects de-
19 scribed in subsection (a)(2).

20 (f) REPORT.—Not later than October 1, 2026, the
21 Secretary shall submit to the Committee on Commerce,
22 Science, and Transportation and the Committee on Envi-
23 ronment and Public Works of the Senate and the Com-
24 mittee on Transportation and Infrastructure and the
25 Committee on Energy and Commerce of the House of

1 Representatives a report describing the results of the
2 grant program under this section. The report shall include
3 the following:

4 (1) A description of the entities and projects
5 that received grants or other cost-sharing agree-
6 ments under this section.

7 (2) A detailed explanation for why each entity
8 received the type of funding disbursement such enti-
9 ty did.

10 (3) A description of whether the program is
11 leading to an increase in the production and deploy-
12 ment of sustainable aviation fuels and use of low-
13 emission aviation technologies by United States avia-
14 tion and aerospace industry stakeholders.

15 (4) A description of the economic impacts re-
16 sulting from the funding to and operation of the
17 project.

18 (g) DEFINITIONS.—In this section:

19 (1) ELIGIBLE ENTITY.—The term “eligible enti-
20 ty” means—

21 (A) a State or local government other than
22 an airport sponsor;

23 (B) an air carrier;

24 (C) an airport sponsor;

1 (D) an accredited institution of higher edu-
2 cation;

3 (E) a person or entity engaged in the pro-
4 duction, transportation, blending or storage of
5 sustainable aviation fuels or feedstocks that
6 could be used to produce sustainable aviation
7 fuels;

8 (F) a person or entity engaged in the de-
9 velopment, demonstration, or application of low-
10 emission aviation technologies; or

11 (G) nonprofit entities or nonprofit con-
12 sortia with experience in sustainable aviation
13 fuels, low-emission technology, or other clean
14 transportation research programs.

15 (2) LOW-EMISSION AVIATION TECHNOLOGY.—
16 The term “low-emission aviation technology” means
17 technologies that significantly—

18 (A) improve aircraft fuel efficiency;

19 (B) increase utilization of sustainable avia-
20 tion fuel; or

21 (C) reduce greenhouse gas emissions pro-
22 duced during operation of civil aircraft.

23 (3) SUSTAINABLE AVIATION FUEL.—The term
24 “sustainable aviation fuel” means liquid fuel con-
25 sisting of synthesized hydrocarbons that—

1 (A) meets the requirements of ASTM
2 International Standard D7566;

3 (B) is derived from biomass (as such term
4 is defined in section 45K(c)(3) of the Internal
5 Revenue Code of 1986), waste streams, renew-
6 able energy sources or gaseous carbon oxides;

7 (C) conforms to the standards, rec-
8 ommended practices, requirements and criteria,
9 supporting documents, implementation ele-
10 ments, and any other technical guidance for
11 sustainable aviation fuels that are adopted by
12 the International Civil Aviation Organization
13 with the agreement of the United States;

14 (D) achieves at least a 50 percent reduc-
15 tion in lifecycle greenhouse gas emissions under
16 the standards and related materials specified in
17 subparagraph (C) compared to conventional jet
18 fuel;

19 (E) is not derived from feedstocks that are
20 developed through practices that threaten mass
21 deforestation, harm biodiversity, or otherwise
22 promote environmentally unsustainable proc-
23 esses; and

24 (F) is produced in the United States.

1 **SEC. 10202. EXPANSION OF VOLUNTARY AIRPORT LOW**
2 **EMISSION PROGRAM.**

3 (a) PASSENGER FACILITY CHARGE ELIGIBILITY.—
4 Section 40117(a)(3)(G) of title 49, United States Code,
5 is amended by striking “if the airport is located in an air
6 quality nonattainment area (as defined in section 171(2)
7 of the Clean Air Act (42 U.S.C. 7501(2)) or a mainte-
8 nance area referred to in section 175A of such Act (42
9 U.S.C. 7505a)”.

10 (b) AIRPORT IMPROVEMENT PROGRAM ELIGI-
11 BILITY.—

12 (1) EXPANSION.—

13 (A) AIRPORT FACILITIES.—Section
14 47102(3)(K) of title 49, United States Code, is
15 amended by striking “if the airport is located in
16 an air quality nonattainment or maintenance
17 area (as defined in sections 171(2) and 175A of
18 the Clean Air Act (42 U.S.C. 7501(2);
19 7505a))”.

20 (B) ACQUISITION OF VEHICLES.—Section
21 47102(3)(L) of title 49, United States Code, is
22 amended by striking “if the airport is located in
23 an air quality nonattainment or maintenance
24 area (as defined in sections 171(2) and 175A of
25 the Clean Air Act (42 U.S.C. 7501(2);
26 7505a)),”.

1 (2) PRIORITY OF VALE PROJECTS.—Chapter
2 471 of title 49, United States Code, is amended by
3 adding at the end the following:

4 **“§ 47145. Priority of vale projects**

5 “In considering applications for projects described in
6 section subparagraphs (K) and (L) of section 47102(3),
7 the Secretary shall prioritize Federal funding for airports
8 in areas located in an air quality nonattainment area (as
9 such term is defined in section 171(2) of the Clean Air
10 Act (42 U.S.C. 7501(2)) or maintenance area (as such
11 term is defined in sections 175A of the Clean Air Act (42
12 U.S.C. 7505a)).”.

13 (3) CONFORMING AMENDMENT.—The analysis
14 for chapter 471 of title 49, United States Code, is
15 amended by adding at the end the following:

 “47145. Priority of vale projects.”.

16 **SEC. 10203. STUDY AND DEVELOPMENT OF SUSTAINABLE**
17 **AVIATION FUELS.**

18 There is authorized to be appropriated from the gen-
19 eral fund of the Treasury to the Administrator of the Fed-
20 eral Aviation Administration \$30,000,000 for each of fis-
21 cal years 2021 through 2025 for the study and develop-
22 ment of sustainable aviation fuels.

1 **SEC. 10204. CENTER OF EXCELLENCE FOR ALTERNATIVE**
2 **JET FUELS AND ENVIRONMENT.**

3 There is authorized to be appropriated from the gen-
4 eral fund of the Treasury to the Administrator of the Fed-
5 eral Aviation Administration \$5,000,000 for each of fiscal
6 years 2021 through 2025 to be used exclusively for work
7 performed by the Center of Excellence for Alternative Jet
8 Fuels and Environment, including programs to assess and
9 reduce the environmental impacts of aviation and to im-
10 prove the health and quality of life of individuals living
11 in and around airport communities.

12 **SEC. 10205. NATIONAL EVALUATION OF AVIATION AND**
13 **AEROSPACE SOLUTIONS TO CLIMATE**
14 **CHANGE.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall seek to enter into an agreement with the Na-
18 tional Academies of Sciences, Engineering, and Medicine
19 to conduct a study on climate change mitigation efforts
20 with respect to the civil aviation and aerospace industries.

21 (b) STUDY CONTENTS.—In conducting the study
22 under subsection (a), the National Academies shall—

23 (1) identify climate change mitigation efforts,
24 including efforts relating to emerging technologies,
25 in the civil aviation and aerospace industries;

1 (2) develop and apply an appropriate indicator
2 for assessing the effectiveness of such efforts;

3 (3) identify gaps in such efforts;

4 (4) identify barriers preventing expansion of
5 such efforts; and

6 (5) develop recommendations with respect to
7 such efforts.

8 (c) REPORTS.—

9 (1) FINDINGS OF STUDY.—Not later than 1
10 year after the date on which the Secretary enters
11 into an agreement for a study pursuant to sub-
12 section (a), the Secretary shall submit to the appro-
13 priate congressional committees the findings of the
14 study.

15 (2) ASSESSMENT.—Not later than 180 days
16 after the date on which the Secretary submits the
17 findings pursuant to paragraph (1), the Secretary,
18 acting through the Administrator of the Federal
19 Aviation Administration, shall submit to the appro-
20 priate congressional committees a report that con-
21 tains an assessment of the findings.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated from the general fund of
24 the Treasury to the Secretary to carry out this section
25 \$1,500,000.

1 (e) DEFINITIONS.—In this section:

2 (1) APPROPRIATE CONGRESSIONAL COMMIT-
3 TEES.—The term “appropriate congressional com-
4 mittees” means the Committee on Transportation
5 and Infrastructure of the House of Representatives,
6 the Committee on Commerce, Science, and Trans-
7 portation of the Senate, and other congressional
8 committees determined appropriate by the Secretary.

9 (2) CLIMATE CHANGE MITIGATION EFFORTS.—
10 The term “climate change mitigation efforts” means
11 efforts, including the use of technologies, materials,
12 processes, or practices, that contribute to the reduc-
13 tion of greenhouse gas emissions.

14 **DIVISION F—INVESTMENT IN**
15 **WATER RESOURCES AND**
16 **WATER-RELATED INFRA-**
17 **STRUCTURE**

18 **SEC. 20001. SHORT TITLE.**

19 This division may be cited as the “Water Infrastruc-
20 ture Investment, Job Creation, and Economic Stability
21 Act”.

1 **TITLE I—CRITICAL WATER**
2 **RESOURCES INVESTMENTS**

3 **SEC. 21001. USE OF HARBOR MAINTENANCE TRUST FUND**
4 **TO SUPPORT NAVIGATION.**

5 Section 210 of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2238) is amended—

7 (1) in the section heading, by striking “**AU-**
8 **THORIZATION OF APPROPRIATIONS**” and insert-
9 ing “**FUNDING FOR NAVIGATION**”; and

10 (2) by adding at the end the following:

11 “(g) **ADJUSTMENTS TO DISCRETIONARY SPENDING**
12 **LIMITS.**—Amounts made available from the Harbor Main-
13 tenance Trust Fund under this section or section 9505
14 of the Internal Revenue Code of 1986 shall be made avail-
15 able in accordance with section 14003 of division B of the
16 Coronavirus Aid, Relief, and Economic Security Act (Pub-
17 lic Law 116–136).”.

18 **SEC. 21002. ANNUAL REPORT TO CONGRESS.**

19 Section 330 of the Water Resources Development Act
20 of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) is amend-
21 ed—

22 (1) in subsection (a)—

23 (A) by striking “and annually thereafter,”

24 and inserting “and annually thereafter concur-

1 rent with the submission of the President’s an-
2 nual budget request to Congress,”; and

3 (B) by striking “Public Works and Trans-
4 portation” and inserting “Transportation and
5 Infrastructure”; and

6 (2) in subsection (b)(1) by adding at the end
7 the following:

8 “(D) A description of the expected expend-
9 itures from the trust fund to meet the needs of
10 navigation for the fiscal year of the budget re-
11 quest.”.

12 **SEC. 21003. HARBOR MAINTENANCE TRUST FUND DISCRE-**
13 **TIONARY SPENDING LIMIT ADJUSTMENT.**

14 (a) IN GENERAL.—Section 14003 of division B of the
15 CARES Act (Public Law 116-136) is amended to read
16 as follows:

17 “SEC. 14003. Section 251(b)(2) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985 (2
19 U.S.C. 901(b)(2)) is amended by adding at the end the
20 following:

21 “(H) HARBOR MAINTENANCE ACTIVI-
22 TIES.—If, for any fiscal year, appropriations for
23 the Construction, Mississippi River and Tribu-
24 taries, and Operation and Maintenance ac-
25 counts of the Corps of Engineers are enacted

1 construction, replacement, rehabilitation, and expansion
2 of inland waterways projects, with one-half of such
3 costs paid from the Inland Waterways Trust Fund
4 and one-half from the general fund of the Treasury;
5 *Provided further*, That not less than \$500,000,000
6 shall be available for water-related environmental in-
7 frastructure assistance.

8 (2) For an additional amount for “Corps of En-
9 gineers—Civil—Department of the Army—Oper-
10 ation and Maintenance”, \$5,000,000,000, to remain
11 available until expended.

12 **TITLE II—CRITICAL CLEAN**
13 **WATER INVESTMENTS**
14 **Subtitle A—Water Quality**
15 **Protection and Job Creation Act**

16 **SEC. 22101. SHORT TITLE.**

17 This subtitle may be cited as the “Water Quality Pro-
18 tection and Job Creation Act of 2020”.

19 **SEC. 22102. WASTEWATER INFRASTRUCTURE WORKFORCE**
20 **INVESTMENT.**

21 Section 104(g) of the Federal Water Pollution Con-
22 trol Act (33 U.S.C. 1254(g)) is amended—

23 (1) in paragraph (1), by striking “manpower”
24 each place it appears and inserting “workforce”; and

1 (2) by amending paragraph (4) to read as fol-
2 lows:

3 “(4) REPORT TO CONGRESS ON PUBLICLY
4 OWNED TREATMENT WORKS WORKFORCE DEVELOP-
5 MENT.—Not later than 2 years after the date of en-
6 actment of the Water Quality Protection and Job
7 Creation Act of 2020, the Administrator shall sub-
8 mit to the Committee on Transportation and Infra-
9 structure of the House of Representatives and the
10 Committee on Environment and Public Works of the
11 Senate a report containing—

12 “(A) an assessment of the current and fu-
13 ture workforce needs for publicly owned treat-
14 ment works, including an estimate of the num-
15 ber of future positions needed for such treat-
16 ment works and the technical skills and edu-
17 cation needed for such positions;

18 “(B) a summary of actions taken by the
19 Administrator, including Federal investments
20 under this chapter, that promote workforce de-
21 velopment to address such needs; and

22 “(C) any recommendations of the Adminis-
23 trator to address such needs.”.

1 **SEC. 22103. STATE MANAGEMENT ASSISTANCE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 106(a) of the Federal Water Pollution Control Act (33
4 U.S.C. 1256(a)) is amended—

5 (1) by striking “and” at the end of paragraph
6 (1); and

7 (2) by inserting after paragraph (2) the fol-
8 lowing:

9 “(3) such sums as may be necessary for each
10 of fiscal years 1991 through 2020;

11 “(4) \$300,000,000 for fiscal year 2021;

12 “(5) \$300,000,000 for fiscal year 2022;

13 “(6) \$300,000,000 for fiscal year 2023;

14 “(7) \$300,000,000 for fiscal year 2024; and

15 “(8) \$300,000,000 for fiscal year 2025;”.

16 (b) TECHNICAL AMENDMENT.—Section 106(e) of the
17 Federal Water Pollution Control Act (33 U.S.C. 1256(e))
18 is amended by striking “Beginning in fiscal year 1974
19 the” and inserting “The”.

20 **SEC. 22104. WATERSHED, WET WEATHER, AND RESILIENCY**
21 **PROJECTS.**

22 (a) INCREASED RESILIENCE OF TREATMENT
23 WORKS.—Section 122(a)(6) of the Federal Water Pollu-
24 tion Control Act (33 U.S.C. 1274(a)(6)) is amended to
25 read as follows:

1 “(6) INCREASED RESILIENCE OF TREATMENT
2 WORKS.—Efforts—

3 “(A) to assess future risks and
4 vulnerabilities of publicly owned treatment
5 works to manmade or natural disasters, includ-
6 ing extreme weather events and sea level rise;
7 and

8 “(B) to carry out the planning, designing,
9 or constructing of projects, on a systemwide or
10 areawide basis, to increase the resilience of pub-
11 licly owned treatment works through—

12 “(i) the conservation of water or the
13 enhancement of water use efficiency;

14 “(ii) the enhancement of wastewater
15 (including stormwater) management by in-
16 creasing watershed preservation and pro-
17 tection, including through—

18 “(I) the use of green infrastruc-
19 ture; or

20 “(II) the reclamation and reuse
21 of wastewater (including stormwater),
22 such as through aquifer recharge
23 zones;

24 “(iii) the modification or relocation of
25 an existing publicly owned treatment works

1 at risk of being significantly impaired or
2 damaged by a manmade or natural dis-
3 aster; or

4 “(iv) the enhancement of energy effi-
5 ciency, or the use or generation of recov-
6 ered or renewable energy, in the manage-
7 ment, treatment, or conveyance of waste-
8 water (including stormwater).”.

9 (b) REQUIREMENTS; AUTHORIZATION OF APPRO-
10 PRIATIONS.—Section 122 of the Federal Water Pollution
11 Control Act (33 U.S.C. 1274) is amended by striking sub-
12 section (c) and inserting the following:

13 “(c) REQUIREMENTS.—The requirements of section
14 608 shall apply to any construction, alteration, mainte-
15 nance, or repair of treatment works receiving a grant
16 under this section.

17 “(d) ASSISTANCE.—The Administrator shall use not
18 less than 15 percent of the amounts appropriated pursu-
19 ant to this section in a fiscal year to provide assistance
20 to municipalities with a population of less than 10,000,
21 to the extent there are sufficient eligible applications.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$1,000,000,000, to remain available until expended.”.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) WATERSHED PILOT PROJECTS.—Section
2 122 of the Federal Water Pollution Control Act (33
3 U.S.C. 1274) is amended—

4 (A) in the section heading, by striking
5 “**WATERSHED PILOT PROJECTS**” and insert-
6 ing “**WATERSHED, WET WEATHER, AND RE-**
7 **SILIENCY PROJECTS**”; and

8 (B) by striking “pilot” each place it ap-
9 pears.

10 (2) WATER POLLUTION CONTROL REVOLVING
11 LOAN FUNDS.—Section 603(c)(7) of the Federal
12 Water Pollution Control Act (33 U.S.C. 1383(c)(7))
13 is amended by striking “watershed”.

14 **SEC. 22105. PILOT PROGRAM FOR ALTERNATIVE WATER**
15 **SOURCE PROJECTS.**

16 (a) SELECTION OF PROJECTS.—Section 220(d) of
17 the Federal Water Pollution Control Act (33 U.S.C.
18 1300(d)) is amended—

19 (1) by amending paragraph (1) to read as fol-
20 lows:

21 “(1) LIMITATION ON ELIGIBILITY.—A project
22 that has received construction funds under the Rec-
23 lamation Projects Authorization and Adjustment Act
24 of 1992 shall not be eligible for grant assistance
25 under this section.”; and

1 (2) by striking paragraph (2) and redesignating
2 paragraph (3) as paragraph (2).

3 (b) COMMITTEE RESOLUTION PROCEDURE; ASSIST-
4 ANCE.—Section 220 of the Federal Water Pollution Con-
5 trol Act (33 U.S.C. 1300) is amended by striking sub-
6 section (e) and inserting the following:

7 “(e) ASSISTANCE.—The Administrator shall use not
8 less than 15 percent of the amounts appropriated pursu-
9 ant to this section in a fiscal year to provide assistance
10 to eligible entities for projects designed to serve fewer than
11 10,000 individuals, to the extent there are sufficient eligi-
12 ble applications.”.

13 (c) COST SHARING.—Section 220(g) of the Federal
14 Water Pollution Control Act (33 U.S.C. 1300(g)) is
15 amended—

16 (1) by striking “The Federal share” and insert-
17 ing the following:

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), the Federal share”; and

20 (2) by adding at the end the following:

21 “(2) RECLAMATION AND REUSE PROJECTS.—
22 For an alternative water source project that has re-
23 ceived funds under the Reclamation Projects Author-
24 ization and Adjustment Act of 1992 (other than
25 funds referred to in subsection (d)(1)), the total

1 Federal share of the costs of the project shall not
2 exceed 25 percent or \$20,000,000, whichever is
3 less.”.

4 (d) REQUIREMENTS.—Section 220 of the Federal
5 Water Pollution Control Act (33 U.S.C. 1300) is amended
6 by redesignating subsections (i) and (j) as subsections (j)
7 and (k), respectively, and inserting after subsection (h) the
8 following:

9 “(i) REQUIREMENTS.—The requirements of section
10 608 shall apply to any construction of an alternative water
11 source project carried out using assistance made available
12 under this section.”.

13 (e) DEFINITIONS.—Section 220(j)(1) of the Federal
14 Water Pollution Control Act (as redesignated by sub-
15 section (d) of this section) is amended by striking “or
16 wastewater or by treating wastewater” and inserting “,
17 wastewater, or stormwater or by treating wastewater or
18 stormwater”.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
20 220(k) of the Federal Water Pollution Control Act (as re-
21 designated by subsection (d) of this section) is amended
22 by striking “\$75,000,000 for fiscal years 2002 through
23 2004” and inserting “\$600,000,000”.

1 **SEC. 22106. SEWER OVERFLOW AND STORMWATER REUSE**
2 **MUNICIPAL GRANTS.**

3 Section 221 of the Federal Water Pollution Control
4 Act (33 U.S.C. 1301) is amended—

5 (1) in subsection (c), by striking “subsection
6 (b),” each place it appears and inserting “this sec-
7 tion,”;

8 (2) in subsection (d)—

9 (A) by striking “The Federal share” and
10 inserting the following:

11 “(1) FEDERAL SHARE.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the Federal share”; and

14 (B) by striking “The non-Federal share”
15 and inserting the following:

16 “(B) FINANCIALLY DISTRESSED COMMU-
17 NITIES.—The Federal share of the cost of ac-
18 tivities carried out using amounts from a grant
19 made to a financially distressed community
20 under subsection (a) shall be not less than 75
21 percent of the cost.

22 “(2) NON-FEDERAL SHARE.—The non-Federal
23 share”;

24 (3) in subsection (e), by striking “section 513”
25 and inserting “section 513, or the requirements of
26 section 608,”; and

1 (4) in subsection (f)—

2 (A) in paragraph (1), by inserting “, and
3 \$400,000,000 for each of fiscal years 2021
4 through 2025” before the period at the end;
5 and

6 (B) by adding at the end the following:

7 “(3) ASSISTANCE.—In carrying out subsection
8 (a), the Administrator shall ensure that, of the
9 amounts granted to municipalities in a State, not
10 less than 20 percent is granted to municipalities
11 with a population of less than 20,000, to the extent
12 there are sufficient eligible applications.”.

13 **SEC. 22107. REPORTS TO CONGRESS.**

14 Section 516(b)(1) of the Federal Water Pollution
15 Control Act (33 U.S.C. 1375(b)(1)) is amended—

16 (1) by striking “, of the cost of construction”
17 and inserting “, of (i) the cost of construction”; and

18 (2) by striking “each of the States;” and insert-
19 ing “each of the States, and (ii) the costs to imple-
20 ment measures necessary to address the resilience
21 and sustainability of publicly owned treatment works
22 to manmade or natural disasters;”.

23 **SEC. 22108. INDIAN TRIBES.**

24 Section 518(c) of the Federal Water Pollution Con-
25 trol Act (33 U.S.C. 1377(c)) is amended—

1 (1) by striking paragraphs (1) and (2) and in-
2 serting the following:

3 “(1) IN GENERAL.—For each fiscal year, the
4 Administrator shall reserve, of the funds made avail-
5 able to carry out title VI (before allotments to the
6 States under section 604(a)), the greater of—

7 “(A) 2 percent of such funds; or

8 “(B) \$30,000,000.

9 “(2) USE OF FUNDS.—

10 “(A) GRANTS.—Funds reserved under this
11 subsection shall be available only for grants to
12 entities described in paragraph (3) for—

13 “(i) projects and activities eligible for
14 assistance under section 603(c); and

15 “(ii) training, technical assistance,
16 and educational programs relating to the
17 operation and management of treatment
18 works eligible for assistance pursuant to
19 section 603(c).

20 “(B) LIMITATION.—Not more than
21 \$2,000,000 of the reserved funds may be used
22 for grants under subparagraph (A)(ii).”; and
23 (2) in paragraph (3)—

1 (A) in the header, by striking “USE OF
2 FUNDS” and inserting “ELIGIBLE ENTITIES”;
3 and

4 (B) by striking “for projects and activities
5 eligible for assistance under section 603(c) to
6 serve” and inserting “to”.

7 **SEC. 22109. CAPITALIZATION GRANTS.**

8 Section 602(b) of the Federal Water Pollution Con-
9 trol Act (33 U.S.C. 1382(b)) is amended—

10 (1) in paragraph (13)(B)—

11 (A) in the matter preceding clause (i), by
12 striking “and energy conservation” and insert-
13 ing “and efficient energy use (including through
14 the implementation of technologies to recapture
15 and reuse energy produced in the treatment of
16 wastewater)”;

17 (B) in clause (iii), by striking “; and” and
18 inserting a semicolon;

19 (2) in paragraph (14), by striking the period at
20 the end and inserting “; and” ; and

21 (3) by adding at the end the following:

22 “(15) to the extent there are sufficient projects
23 or activities eligible for assistance from the fund,
24 with respect to funds for capitalization grants re-
25 ceived by the State under this title and section

1 205(m), the State will use not less than 15 percent
2 of such funds for projects to address green infra-
3 structure, water or energy efficiency improvements,
4 or other environmentally innovative activities.”.

5 **SEC. 22110. WATER POLLUTION CONTROL REVOLVING**
6 **LOAN FUNDS.**

7 Section 603(i) of the Federal Water Pollution Control
8 Act (33 U.S.C. 1383(i)) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph
11 (A), by striking “, including forgiveness of prin-
12 cipal and negative interest loans” and inserting
13 “(including in the form of forgiveness of prin-
14 cipal, negative interest loans, or grants)”; and

15 (B) in subparagraph (A)—

16 (i) in the matter preceding clause (i),
17 by striking “in assistance”; and

18 (ii) in clause (ii)(III), by striking “to
19 such ratepayers” and inserting “to help
20 such ratepayers maintain access to waste-
21 water and stormwater treatment services”;
22 and

23 (2) by amending paragraph (3) to read as fol-
24 lows:

25 “(3) **SUBSIDIZATION AMOUNTS.—**

1 “(A) IN GENERAL.—A State may use for
2 providing additional subsidization in a fiscal
3 year under this subsection an amount that does
4 not exceed the greater of—

5 “(i) 30 percent of the total amount
6 received by the State in capitalization
7 grants under this title for the fiscal year;
8 or

9 “(ii) the annual average over the pre-
10 vious 10 fiscal years of the amounts depos-
11 ited by the State in the State water pollu-
12 tion control revolving fund from State
13 moneys that exceed the amounts required
14 to be so deposited under section 602(b)(2).

15 “(B) MINIMUM.—For each of fiscal years
16 2021 through 2025, to the extent there are suf-
17 ficient applications for additional subsidization
18 under this subsection that meet the criteria
19 under paragraph (1)(A), a State shall use for
20 providing additional subsidization in a fiscal
21 year under this subsection an amount that is
22 not less than 10 percent of the total amount re-
23 ceived by the State in capitalization grants
24 under this title for the fiscal year.”.

1 **SEC. 22111. ALLOTMENT OF FUNDS.**

2 (a) FORMULA.—Section 604(a) of the Federal Water
3 Pollution Control Act (33 U.S.C. 1384(a)) is amended by
4 striking “each of fiscal years 1989 and 1990” and insert-
5 ing “each fiscal year”.

6 (b) WASTEWATER INFRASTRUCTURE WORKFORCE
7 DEVELOPMENT.—Section 604 of the Federal Water Pollu-
8 tion Control Act (33 U.S.C. 1384) is amended by adding
9 at the end the following:

10 “(d) WASTEWATER INFRASTRUCTURE WORKFORCE
11 DEVELOPMENT.—A State may reserve each fiscal year up
12 to 1 percent of the sums allotted to the State under this
13 section for the fiscal year to carry out workforce develop-
14 ment, training, and retraining activities described in sec-
15 tion 104(g).”.

16 **SEC. 22112. RESERVATION OF FUNDS FOR TERRITORIES OF**
17 **THE UNITED STATES.**

18 Title VI of the Federal Water Pollution Control Act
19 (33 U.S.C. 1381 et seq.) is amended by striking section
20 607 and inserting the following:

21 **“SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF**
22 **THE UNITED STATES.**

23 “(a) IN GENERAL.—

24 “(1) RESERVATION.—For each fiscal year, the
25 Administrator shall reserve 1.5 percent of available

1 funds, as calculated in accordance with paragraph
2 (2).

3 “(2) CALCULATION OF AVAILABLE FUNDS.—

4 The amount of available funds shall be calculated by
5 subtracting the amount of any funds reserved under
6 section 518(c) from the amount of funds made avail-
7 able to carry out this title (before allotments to the
8 States under section 604(a)).

9 “(b) USE OF FUNDS.—Funds reserved under this
10 section shall be available only for grants to American
11 Samoa, the Commonwealth of the Northern Mariana Is-
12 lands, Guam, and the Virgin Islands for projects and ac-
13 tivities eligible for assistance under section 603(c).

14 “(c) LIMITATION.—American Samoa, the Common-
15 wealth of the Northern Mariana Islands, Guam, and the
16 Virgin Islands may not receive funds allotted under sec-
17 tion 604(a).”.

18 **SEC. 22113. AUTHORIZATION OF APPROPRIATIONS.**

19 Title VI of the Federal Water Pollution Control Act
20 (33 U.S.C. 1381 et seq.) is amended by adding at the end
21 the following:

22 **“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to carry out
24 this title the following sums:

25 “(1) \$8,000,000,000 for fiscal year 2021.

1 “(2) \$8,000,000,000 for fiscal year 2022.

2 “(3) \$8,000,000,000 for fiscal year 2023.

3 “(4) \$8,000,000,000 for fiscal year 2024.

4 “(5) \$8,000,000,000 for fiscal year 2025.”.

5 **SEC. 22114. TECHNICAL ASSISTANCE BY MUNICIPAL OM-**
6 **BUDSMAN.**

7 Section 4(b)(1) of the Water Infrastructure Improve-
8 ment Act (42 U.S.C. 4370j(b)(1)) is amended to read as
9 follows:

10 “(1) technical and planning assistance to sup-
11 port municipalities, including municipalities that are
12 rural, small, and tribal communities, in achieving
13 and maintaining compliance with enforceable dead-
14 lines, goals, and requirements of the Federal Water
15 Pollution Control Act; and”.

16 **SEC. 22115. REPORT ON FINANCIAL CAPABILITY OF MU-**
17 **NICIPALITIES.**

18 (a) REVIEW.—The Administrator of the Environ-
19 mental Protection Agency shall conduct a review of exist-
20 ing implementation guidance of the Agency for evaluating
21 the financial resources a municipality has available to im-
22 plement the requirements of the Federal Water Pollution
23 Control Act to determine whether, and if so, how, such
24 guidance needs to be revised.

1 (b) CONSIDERATIONS.—In conducting the review
2 under subsection (a), the Administrator shall consider—

3 (1) the report by the National Academy of Pub-
4 lic Administration prepared for the Environmental
5 Protection Agency entitled “Developing a New
6 Framework for Community Affordability of Clean
7 Water Services”, dated October 2017;

8 (2) the report developed by the National Envi-
9 ronmental Justice Advisory Council entitled “EPA’s
10 Role in Addressing the Urgent Water Infrastructure
11 Needs of Environmental Justice Communities”,
12 dated August 2018, and made available on the
13 website of the Administrator in March 2019;

14 (3) the report prepared for the American Water
15 Works Association, the National Association of
16 Clean Water Agencies, and the Water Environment
17 Federation entitled “Developing a New Framework
18 for Household Affordability and Financial Capability
19 Assessment in the Water Sector”, dated April 17,
20 2019;

21 (4) the recommendations of the Environmental
22 Financial Advisory Board related to municipal finan-
23 cial capability assessments, prepared at the request
24 of the Administrator; and

1 (5) any other information the Administrator
2 considers appropriate.

3 (c) **ENGAGEMENT AND TRANSPARENCY.**—In con-
4 ducting the review under subsection (a), the Administrator
5 shall—

6 (1) after providing public notice, consult with,
7 and solicit advice and recommendations from, State
8 and local governmental officials and other stake-
9 holders, including nongovernmental organizations;
10 and

11 (2) ensure transparency in the consultation
12 process.

13 (d) **REPORT.**—Not later than 18 months after the
14 date of enactment of this Act, the Administrator shall sub-
15 mit to the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the Committee
17 on Environment and Public Works of the Senate, and
18 make publicly available, a report on the results of the re-
19 view conducted under subsection (a), including any rec-
20 ommendations for revisions to the guidance.

21 **SEC. 22116. EMERGING CONTAMINANTS.**

22 (a) **IN GENERAL.**—The Administrator of the Envi-
23 ronmental Protection Agency shall award grants to owners
24 and operators of publicly owned treatment works to be
25 used for the implementation of a pretreatment standard

1 or effluent limitation developed by the Administrator for
2 the introduction or discharge of a perfluoroalkyl or
3 polyfluoroalkyl substance or other pollutant identified by
4 the Administrator as a potential contaminant of emerging
5 concern.

6 (b) DEFINITIONS.—In this section:

7 (1) DISCHARGE.—The term “discharge” has
8 the meaning given that term in section 502 of the
9 Federal Water Pollution Control Act (33 U.S.C.
10 1362).

11 (2) EFFLUENT LIMITATION.—The term “efflu-
12 ent limitation” means an effluent limitation under
13 section 301(b) of the Federal Water Pollution Con-
14 trol Act (33 U.S.C. 1311).

15 (3) INTRODUCTION.—The term “introduction”
16 means the introduction of pollutants into treatment
17 works, as described in section 307(b) of the Federal
18 Water Pollution Control Act (33 U.S.C. 1317).

19 (4) PRETREATMENT STANDARD.—The term
20 “pretreatment standard” means a pretreatment
21 standard under section 307(b) of the Federal Water
22 Pollution Control Act (33 U.S.C. 1317).

23 (5) TREATMENT WORKS.—The term “treatment
24 works” has the meaning given that term in section

1 212 of the Federal Water Pollution Control Act (33
2 U.S.C. 1292).

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section the
5 following sums:

6 (1) \$200,000,000 for fiscal year 2021.

7 (2) \$200,000,000 for fiscal year 2022.

8 (3) \$200,000,000 for fiscal year 2023.

9 (4) \$200,000,000 for fiscal year 2024.

10 (5) \$200,000,000 for fiscal year 2025.

11 **Subtitle B—Local Water Protection**

12 **SEC. 22201. NONPOINT SOURCE MANAGEMENT PROGRAMS.**

13 Section 319(j) of the Federal Water Pollution Control
14 Act (33 U.S.C. 1329(j)) is amended by striking “sub-
15 sections (h) and (i) not to exceed” and all that follows
16 through “fiscal year 1991” and inserting “subsections (h)
17 and (i) \$200,000,000 for each of fiscal years 2021
18 through 2025”.

19 **Subtitle C—Critical Regional** 20 **Infrastructure Investments**

21 **SEC. 22301. REAUTHORIZATION OF CHESAPEAKE BAY PRO-** 22 **GRAM.**

23 Section 117(j) of the Federal Water Pollution Control
24 Act (33 U.S.C. 1267(j)) is amended by striking
25 “\$40,000,000 for each of fiscal years 2001 through 2005”

1 and inserting “\$90,000,000 for fiscal year 2021,
2 \$90,500,000 for fiscal year 2022, \$91,000,000 for fiscal
3 year 2023, \$91,500,000 for fiscal year 2024, and
4 \$92,000,000 for fiscal year 2025”.

5 **SEC. 22302. SAN FRANCISCO BAY RESTORATION GRANT**
6 **PROGRAM.**

7 Title I of the Federal Water Pollution Control Act
8 (33 U.S.C. 1251 et seq.) is amended by adding at the end
9 the following:

10 **“SEC. 124. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
11 **GRAM.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) ESTUARY PARTNERSHIP.—The term ‘Es-
14 tuary Partnership’ means the San Francisco Estu-
15 ary Partnership, designated as the management con-
16 ference for the San Francisco Bay under section
17 320.

18 “(2) SAN FRANCISCO BAY PLAN.—The term
19 ‘San Francisco Bay Plan’ means—

20 “(A) until the date of the completion of the
21 plan developed by the Director under subsection
22 (d), the comprehensive conservation and man-
23 agement plan approved under section 320 for
24 the San Francisco Bay estuary; and

1 “(B) on and after the date of the comple-
2 tion of the plan developed by the Director under
3 subsection (d), the plan developed by the Direc-
4 tor under subsection (d).

5 “(b) PROGRAM OFFICE.—

6 “(1) ESTABLISHMENT.—The Administrator
7 shall establish in the Environmental Protection
8 Agency a San Francisco Bay Program Office. The
9 Office shall be located at the headquarters of Region
10 9 of the Environmental Protection Agency.

11 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
12 ministrator shall appoint a Director of the Office,
13 who shall have management experience and technical
14 expertise relating to the San Francisco Bay and be
15 highly qualified to direct the development and imple-
16 mentation of projects, activities, and studies nec-
17 essary to implement the San Francisco Bay Plan.

18 “(3) DELEGATION OF AUTHORITY; STAFFING.—
19 The Administrator shall delegate to the Director
20 such authority and provide such staff as may be nec-
21 essary to carry out this section.

22 “(c) ANNUAL PRIORITY LIST.—

23 “(1) IN GENERAL.—After providing public no-
24 tice, the Director shall annually compile a priority
25 list, consistent with the San Francisco Bay Plan,

1 identifying and prioritizing the projects, activities,
2 and studies to be carried out with amounts made
3 available under subsection (e).

4 “(2) INCLUSIONS.—The annual priority list
5 compiled under paragraph (1) shall include the fol-
6 lowing:

7 “(A) Projects, activities, and studies, in-
8 cluding restoration projects and habitat im-
9 provement for fish, waterfowl, and wildlife, that
10 advance the goals and objectives of the San
11 Francisco Bay Plan, for—

12 “(i) water quality improvement, in-
13 cluding the reduction of marine litter;

14 “(ii) wetland, riverine, and estuary
15 restoration and protection;

16 “(iii) nearshore and endangered spe-
17 cies recovery; and

18 “(iv) adaptation to climate change.

19 “(B) Information on the projects, activi-
20 ties, and studies specified under subparagraph
21 (A), including—

22 “(i) the identity of each entity receiv-
23 ing assistance pursuant to subsection (e);

24 and

1 “(ii) a description of the communities
2 to be served.

3 “(C) The criteria and methods established
4 by the Director for identification of projects, ac-
5 tivities, and studies to be included on the an-
6 nual priority list.

7 “(3) CONSULTATION.—In compiling the annual
8 priority list under paragraph (1), the Director shall
9 consult with, and consider the recommendations of—

10 “(A) the Estuary Partnership;

11 “(B) the State of California and affected
12 local governments in the San Francisco Bay es-
13 tuary watershed;

14 “(C) the San Francisco Bay Restoration
15 Authority; and

16 “(D) any other relevant stakeholder in-
17 volved with the protection and restoration of
18 the San Francisco Bay estuary that the Direc-
19 tor determines to be appropriate.

20 “(d) SAN FRANCISCO BAY PLAN.—

21 “(1) IN GENERAL.—Not later than 5 years
22 after the date of enactment of this section, the Di-
23 rector, in conjunction with the Estuary Partnership,
24 shall review and revise the comprehensive conserva-
25 tion and management plan approved under section

1 320 for the San Francisco Bay estuary to develop
2 a plan to guide the projects, activities, and studies
3 of the Office to address the restoration and protec-
4 tion of the San Francisco Bay.

5 “(2) REVISION OF SAN FRANCISCO BAY
6 PLAN.—Not less often than once every 5 years after
7 the date of the completion of the plan described in
8 paragraph (1), the Director shall review, and revise
9 as appropriate, the San Francisco Bay Plan.

10 “(3) OUTREACH.—In carrying out this sub-
11 section, the Director shall consult with the Estuary
12 Partnership and Indian tribes and solicit input from
13 other non-Federal stakeholders.

14 “(e) GRANT PROGRAM.—

15 “(1) IN GENERAL.—The Director may provide
16 funding through cooperative agreements, grants, or
17 other means to State and local agencies, special dis-
18 tricts, and public or nonprofit agencies, institutions,
19 and organizations, including the Estuary Partner-
20 ship, for projects, activities, and studies identified on
21 the annual priority list compiled under subsection
22 (c).

23 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
24 ERAL SHARE.—

1 “(A) MAXIMUM AMOUNT OF GRANTS.—
2 Amounts provided to any entity under this sec-
3 tion for a fiscal year shall not exceed an
4 amount equal to 75 percent of the total cost of
5 any projects, activities, and studies that are to
6 be carried out using those amounts.

7 “(B) NON-FEDERAL SHARE.—Not less
8 than 25 percent of the cost of any project, ac-
9 tivity, or study carried out using amounts pro-
10 vided under this section shall be provided from
11 non-Federal sources.

12 “(f) FUNDING.—

13 “(1) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this section \$25,000,000 for each of fiscal years
16 2021 through 2025.

17 “(2) ADMINISTRATIVE EXPENSES.—Of the
18 amount made available to carry out this section for
19 a fiscal year, the Director may not use more than
20 5 percent to pay administrative expenses incurred in
21 carrying out this section.

22 “(3) PROHIBITION.—No amounts made avail-
23 able under this section may be used for the adminis-
24 tration of a management conference under section
25 320.

1 “(g) ANNUAL BUDGET PLAN.—In each of fiscal
2 years 2021 through 2025, the President, as part of the
3 annual budget submission of the President to Congress
4 under section 1105(a) of title 31, United States Code,
5 shall submit information regarding each Federal depart-
6 ment and agency involved in San Francisco Bay protection
7 and restoration, including—

8 “(1) a report that displays for each Federal
9 agency—

10 “(A) the amounts obligated in the pre-
11 ceding fiscal year for protection and restoration
12 projects, activities, and studies relating to the
13 San Francisco Bay; and

14 “(B) the proposed budget for protection
15 and restoration projects, activities, and studies
16 relating to the San Francisco Bay; and

17 “(2) a description and assessment of the Fed-
18 eral role in the implementation of the San Francisco
19 Bay Plan and the specific role of each Federal de-
20 partment and agency involved in San Francisco Bay
21 protection and restoration, including specific
22 projects, activities, and studies conducted or planned
23 to achieve the identified goals and objectives of the
24 San Francisco Bay Plan.”.

1 **SEC. 22303. PUGET SOUND COORDINATED RECOVERY.**

2 Title I of the Federal Water Pollution Control Act
3 (33 U.S.C. 1251 et seq.) is further amended by adding
4 at the end the following:

5 **“SEC. 125. PUGET SOUND.**

6 “(a) DEFINITIONS.—In this section, the following
7 definitions apply:

8 “(1) COASTAL NONPOINT POLLUTION CONTROL
9 PROGRAM.—The term ‘Coastal Nonpoint Pollution
10 Control Program’ means the State of Washington’s
11 Coastal Nonpoint Pollution Control Program ap-
12 proved by the Secretary of Commerce as required
13 under section 6217 of the Coastal Zone Act Reau-
14 thorization Amendments of 1990.

15 “(2) DIRECTOR.—The term ‘Director’ means
16 the Director of the Program Office.

17 “(3) FEDERAL ACTION PLAN.—The term ‘Fed-
18 eral Action Plan’ means the plan developed under
19 subsection (d)(2)(B).

20 “(4) INTERNATIONAL JOINT COMMISSION.—The
21 term ‘International Joint Commission’ means the
22 International Joint Commission established by the
23 United States and Canada under the International
24 Boundary Waters Treaty of 1909 (36 Stat. 2448).

25 “(5) PACIFIC SALMON COMMISSION.—The term
26 ‘Pacific Salmon Commission’ means the Pacific

1 Salmon Commission established by the United
2 States and Canada under the Treaty between the
3 Government of the United States of America and
4 the Government of Canada Concerning Pacific Salm-
5 on, signed at Ottawa, January 28, 1985 (commonly
6 known as the ‘Pacific Salmon Treaty’).

7 “(6) PROGRAM OFFICE.—The term ‘Program
8 Office’ means the Puget Sound Recovery National
9 Program Office established by subsection (c).

10 “(7) PUGET SOUND ACTION AGENDA; ACTION
11 AGENDA.—The term ‘Puget Sound Action Agenda’
12 or ‘Action Agenda’ means the most recent plan de-
13 veloped by the Puget Sound National Estuary Pro-
14 gram Management Conference, in consultation with
15 the Puget Sound Tribal Management Conference,
16 and approved by the Administrator as the com-
17 prehensive conservation and management plan for
18 Puget Sound under section 320.

19 “(8) PUGET SOUND FEDERAL LEADERSHIP
20 TASK FORCE.—The term ‘Puget Sound Federal
21 Leadership Task Force’ means the Puget Sound
22 Federal Leadership Task Force established under
23 subsection (d).

24 “(9) PUGET SOUND FEDERAL TASK FORCE.—
25 The term ‘Puget Sound Federal Task Force’ means

1 the Puget Sound Federal Task Force established in
2 2016 under a memorandum of understanding among
3 9 Federal agencies.

4 “(10) PUGET SOUND NATIONAL ESTUARY PRO-
5 GRAM MANAGEMENT CONFERENCE; MANAGEMENT
6 CONFERENCE.—The term ‘Puget Sound National
7 Estuary Program Management Conference’ or ‘Man-
8 agement Conference’ means the management con-
9 ference for Puget Sound convened pursuant to sec-
10 tion 320.

11 “(11) PUGET SOUND PARTNERSHIP.—The term
12 ‘Puget Sound Partnership’ means the State agency
13 that is established under the laws of the State of
14 Washington (section 90.71.210 of the Revised Code
15 of Washington), or its successor agency, that has
16 been designated by the Administrator as the lead en-
17 tity to support the Puget Sound National Estuary
18 Program Management Conference.

19 “(12) PUGET SOUND REGION.—

20 “(A) IN GENERAL.—The term ‘Puget
21 Sound region’ means the land and waters in the
22 northwest corner of the State of Washington
23 from the Canadian border to the north to the
24 Pacific Ocean on the west, including Hood
25 Canal and the Strait of Juan de Fuca.

1 “(B) INCLUSION.—The term ‘Puget Sound
2 region’ includes all of the water that falls on
3 the Olympic and Cascade Mountains and flows
4 to meet Puget Sound’s marine waters.

5 “(13) PUGET SOUND TRIBAL MANAGEMENT
6 CONFERENCE.—The term ‘Puget Sound Tribal Man-
7 agement Conference’ means the 20 treaty Indian
8 tribes of western Washington and the Northwest In-
9 dian Fisheries Commission.

10 “(14) SALISH SEA.—The term ‘Salish Sea’
11 means the network of coastal waterways on the west
12 coast of North America that includes the Puget
13 Sound, the Strait of Georgia, and the Strait of Juan
14 de Fuca.

15 “(15) SALMON RECOVERY PLANS.—The term
16 ‘Salmon Recovery Plans’ means the recovery plans
17 for salmon and steelhead species approved by the
18 Secretary of the Interior under section 4(f) of the
19 Endangered Species Act of 1973.

20 “(16) STATE ADVISORY COMMITTEE.—The
21 term ‘State Advisory Committee’ means the advisory
22 committee established by subsection (e).

23 “(17) TREATY RIGHTS AT RISK INITIATIVE.—
24 The term ‘Treaty Rights at Risk Initiative’ means
25 the report from the treaty Indian tribes of western

1 Washington entitled ‘Treaty Rights at Risk: Ongo-
2 ing Habitat Loss, the Decline of the Salmon Re-
3 source, and Recommendations for Change’ and
4 dated July 14, 2011, or its successor report, which
5 outlines issues and offers solutions for the protection
6 of Tribal treaty rights, recovery of salmon habitat,
7 and management of sustainable treaty and nontreaty
8 salmon fisheries, including through tribal salmon
9 hatchery programs.

10 “(b) CONSISTENCY.—All Federal agencies rep-
11 resented on the Puget Sound Federal Leadership Task
12 Force shall act consistently with the protection of Tribal,
13 treaty-reserved rights and, to the greatest extent prac-
14 ticable given such agencies’ existing obligations under
15 Federal law, act consistently with the objectives and prior-
16 ities of the Action Agenda, Salmon Recovery Plans, the
17 Treaty Rights at Risk Initiative, and the Coastal Nonpoint
18 Pollution Control Program, when—

19 “(1) conducting Federal agency activities within
20 or outside Puget Sound that affect any land or
21 water use or natural resources of Puget Sound and
22 its tributary waters, including activities performed
23 by a contractor for the benefit of a Federal agency;

1 “(2) interpreting and enforcing regulations that
2 impact the restoration and protection of Puget
3 Sound;

4 “(3) issuing Federal licenses or permits that
5 impact the restoration and protection of Puget
6 Sound; and

7 “(4) granting Federal assistance to State, local,
8 and Tribal governments for activities related to the
9 restoration and protection of Puget Sound.

10 “(c) PUGET SOUND RECOVERY NATIONAL PROGRAM
11 OFFICE.—

12 “(1) ESTABLISHMENT.—There is established in
13 the Environmental Protection Agency a Puget
14 Sound Recovery National Program Office to be lo-
15 cated in the State of Washington.

16 “(2) DIRECTOR.—

17 “(A) IN GENERAL.—The Director of the
18 Program Office shall be a career reserved posi-
19 tion, as such term is defined in section
20 3132(a)(8) of title 5, United States Code.

21 “(B) QUALIFICATIONS.—The Director of
22 the Program Office shall have leadership and
23 project management experience and shall be
24 highly qualified to—

1 “(i) direct the integration of multiple
2 project planning efforts and programs
3 from different agencies and jurisdictions;
4 and

5 “(ii) align numerous, and often con-
6 flicting, needs toward implementing a
7 shared Action Agenda with visible and
8 measurable outcomes.

9 “(3) DELEGATION OF AUTHORITY; STAFFING.—
10 Using amounts made available pursuant to sub-
11 section (i), the Administrator shall delegate to the
12 Director such authority and provide such staff as
13 may be necessary to carry out this section.

14 “(4) DUTIES.—The Director shall—

15 “(A) coordinate and manage the timely
16 execution of the requirements of this section,
17 including the formation and meetings of the
18 Puget Sound Federal Leadership Task Force;

19 “(B) coordinate activities related to the
20 restoration and protection of Puget Sound
21 across the Environmental Protection Agency;

22 “(C) coordinate and align the activities of
23 the Administrator with the Action Agenda,
24 Salmon Recovery Plans, the Treaty Rights at

1 Risk Initiative, and the Coastal Nonpoint Pollu-
2 tion Control Program;

3 “(D) promote the efficient use of Environ-
4 mental Protection Agency resources in pursuit
5 of Puget Sound restoration and protection;

6 “(E) serve on the Puget Sound Federal
7 Leadership Task Force and collaborate with,
8 help coordinate, and implement activities with
9 other Federal agencies that have responsibilities
10 involving Puget Sound restoration and protec-
11 tion;

12 “(F) provide or procure such other advice,
13 technical assistance, research, assessments,
14 monitoring, or other support as is determined
15 by the Director to be necessary or prudent to
16 most efficiently and effectively fulfill the objec-
17 tives and priorities of the Action Agenda, Salm-
18 on Recovery Plans, the Treaty Rights at Risk
19 Initiative, and the Coastal Nonpoint Pollution
20 Control Program consistent with the best avail-
21 able science and to ensure the health of the
22 Puget Sound ecosystem;

23 “(G) track the progress of the Environ-
24 mental Protection Agency towards meeting the
25 Agency’s specified objectives and priorities with-

1 in the Action Agenda and the Federal Action
2 Plan;

3 “(H) implement the recommendations of
4 the Comptroller General, set forth in the report
5 entitled ‘Puget Sound Restoration: Additional
6 Actions Could Improve Assessments of
7 Progress’ and dated July 19, 2018;

8 “(I) serve as liaison and coordinate activi-
9 ties for the restoration and protection of the
10 Salish Sea, with Canadian authorities, the Pa-
11 cific Salmon Commission, and the International
12 Joint Commission; and

13 “(J) carry out such additional duties as
14 the Administrator determines necessary and ap-
15 propriate.

16 “(d) PUGET SOUND FEDERAL LEADERSHIP TASK
17 FORCE.—

18 “(1) ESTABLISHMENT.—There is established a
19 Puget Sound Federal Leadership Task Force.

20 “(2) DUTIES.—

21 “(A) GENERAL DUTIES.—The Puget
22 Sound Federal Leadership Task Force shall—

23 “(i) uphold Federal trust responsibil-
24 ities to restore and protect resources cru-
25 cial to Tribal treaty rights, including by

1 carrying out government-to-government
2 consultation with Indian tribes when re-
3 quested by such tribes;

4 “(ii) provide a venue for dialogue and
5 coordination across all Federal agencies on
6 the Puget Sound Federal Leadership Task
7 Force to align Federal resources for the
8 purposes of carrying out the requirements
9 of this section and all other Federal laws
10 that contribute to the restoration and pro-
11 tection of Puget Sound, including by—

12 “(I) enabling and encouraging
13 the Federal agencies represented on
14 the Puget Sound Federal Leadership
15 Task Force to act consistently with
16 the objectives and priorities of the Ac-
17 tion Agenda, Salmon Recovery Plans,
18 the Treaty Rights at Risk Initiative,
19 and the Coastal Nonpoint Pollution
20 Control Program;

21 “(II) facilitating the coordination
22 of Federal activities that impact the
23 restoration and protection of Puget
24 Sound;

1 “(III) facilitating the delivery of
2 feedback given by Federal agencies to
3 the Puget Sound Partnership during
4 the development of the Action Agen-
5 da;

6 “(IV) facilitating the resolution
7 of interagency conflicts associated
8 with the restoration and protection of
9 Puget Sound among the agencies rep-
10 resented on the Puget Sound Federal
11 Leadership Task Force;

12 “(V) providing a forum for ex-
13 changing information among agencies
14 regarding activities being conducted,
15 including obstacles or efficiencies
16 found, during Puget Sound restora-
17 tion and protection activities; and

18 “(VI) promoting the efficient use
19 of government resources in pursuit of
20 Puget Sound restoration and protec-
21 tion through coordination and collabo-
22 ration, including by ensuring that the
23 Federal efforts relating to the science
24 necessary for restoration and protec-
25 tion of Puget Sound are consistent,

1 and not duplicative, across the Fed-
2 eral Government;

3 “(iii) catalyze public leaders at all lev-
4 els to work together toward shared goals
5 by demonstrating interagency best prac-
6 tices coming from the members of the
7 Puget Sound Federal Leadership Task
8 Force;

9 “(iv) provide advice and support on
10 scientific and technical issues and act as a
11 forum for the exchange of scientific infor-
12 mation about Puget Sound;

13 “(v) identify and inventory Federal
14 environmental research and monitoring
15 programs related to Puget Sound, and pro-
16 vide such inventory to the Puget Sound
17 National Estuary Program Management
18 Conference;

19 “(vi) ensure that Puget Sound res-
20 toration and protection activities are as
21 consistent as practicable with ongoing res-
22 toration and protection and related efforts
23 in the Salish Sea that are being conducted
24 by Canadian authorities, the Pacific Salm-

1 on Commission, and the International
2 Joint Commission;

3 “(vii) establish any necessary working
4 groups or advisory committees necessary to
5 assist the Puget Sound Federal Leadership
6 Task Force in its duties, including public
7 policy and scientific issues;

8 “(viii) raise national awareness of the
9 significance of Puget Sound;

10 “(ix) work with the Office of Manage-
11 ment and Budget to give input on the
12 crosscut budget under subsection (h); and

13 “(x) submit a biennial report under
14 subsection (g) on the progress made to-
15 ward carrying out the Federal Action Plan.

16 “(B) PUGET SOUND FEDERAL ACTION
17 PLAN.—

18 “(i) IN GENERAL.—Not later than 5
19 years after the date of enactment of this
20 section, the Puget Sound Federal Leader-
21 ship Task Force shall develop and approve
22 a Federal Action Plan that leverages Fed-
23 eral programs across agencies and serves
24 to coordinate diverse programs on a spe-

1 cific suite of priorities on Puget Sound re-
2 covery.

3 “(ii) REVISION OF PUGET SOUND
4 FEDERAL ACTION PLAN.—Not less often
5 than once every 5 years after the date of
6 completion of the Federal Action Plan de-
7 scribed in clause (i), the Puget Sound Fed-
8 eral Leadership Task Force shall review,
9 and revise as appropriate, the Federal Ac-
10 tion Plan.

11 “(C) FEEDBACK BY FEDERAL AGEN-
12 CIES.—In facilitating feedback under subpara-
13 graph (A)(ii)(III), the Puget Sound Federal
14 Leadership Task Force shall request Federal
15 agencies to consider, at a minimum, possible
16 Federal actions designed to—

17 “(i) further the goals, targets, and ac-
18 tions of the Action Agenda, Salmon Recov-
19 ery Plans, the Treaty Rights at Risk Ini-
20 tiative, and the Coastal Nonpoint Pollution
21 Control Program;

22 “(ii) implement and enforce this Act,
23 the Endangered Species Act of 1973, and
24 all other Federal laws that contribute to
25 the restoration and protection of Puget

1 Sound, including those that protect Tribal
2 treaty rights;

3 “(iii) prevent the introduction and
4 spread of invasive species;

5 “(iv) prevent the destruction of ma-
6 rine and wildlife habitats;

7 “(v) protect, restore, and conserve for-
8 ests, wetlands, riparian zones, and near-
9 shore waters that provide marine and wild-
10 life habitat;

11 “(vi) promote resilience to climate
12 change and ocean acidification effects;

13 “(vii) conserve and recover endan-
14 gered species under the Endangered Spe-
15 cies Act of 1973;

16 “(viii) restore fisheries so that they
17 are sustainable and productive;

18 “(ix) preserve biodiversity;

19 “(x) restore and protect ecosystem
20 services that provide clean water, filter
21 toxic chemicals, and increase ecosystem re-
22 silience; and

23 “(xi) improve water quality and re-
24 store wildlife habitat, including by pre-
25 venting and managing stormwater runoff,

1 incorporating erosion control techniques
2 and trash capture devices, using sustain-
3 able stormwater practices, and mitigating
4 and minimizing nonpoint source pollution,
5 including marine litter.

6 “(3) PARTICIPATION OF STATE ADVISORY COM-
7 MITTEE AND PUGET SOUND TRIBAL MANAGEMENT
8 CONFERENCE.—

9 “(A) IN GENERAL.—The Puget Sound
10 Federal Leadership Task Force shall carry out
11 its duties with input from, and in collaboration
12 with, the State Advisory Committee and Puget
13 Sound Tribal Management Conference.

14 “(B) SPECIFIC ADVICE AND RECOMMENDA-
15 TIONS.—The Puget Sound Federal Leadership
16 Task Force shall seek the advice and rec-
17 ommendations of the State Advisory Committee
18 and Puget Sound Tribal Management Con-
19 ference on the actions, progress, and issues per-
20 taining to restoration and protection of Puget
21 Sound.

22 “(4) MEMBERSHIP.—

23 “(A) QUALIFICATIONS.—Members ap-
24 pointed under this paragraph shall have experi-
25 ence and expertise in matters of restoration and

1 protection of large watersheds and bodies of
2 water or related experience that will benefit the
3 restoration and protection effort of Puget
4 Sound.

5 “(B) COMPOSITION.—The Puget Sound
6 Federal Leadership Task Force shall be com-
7 posed of the following members:

8 “(i) SECRETARY OF AGRICULTURE.—
9 The following individuals appointed by the
10 Secretary of Agriculture:

11 “(I) A representative of the Na-
12 tional Forest Service.

13 “(II) A representative of the
14 Natural Resources Conservation Serv-
15 ice.

16 “(ii) SECRETARY OF COMMERCE.—A
17 representative of the National Oceanic and
18 Atmospheric Administration appointed by
19 the Secretary of Commerce.

20 “(iii) SECRETARY OF DEFENSE.—The
21 following individuals appointed by the Sec-
22 retary of Defense:

23 “(I) A representative of the
24 Corps of Engineers.

1 “(II) A representative of the
2 Joint Base Lewis-McChord.

3 “(III) A representative of the
4 Navy Region Northwest.

5 “(iv) DIRECTOR.—The Director of the
6 Program Office.

7 “(v) SECRETARY OF HOMELAND SE-
8 CURITY.—The following individuals ap-
9 pointed by the Secretary of Homeland Se-
10 curity:

11 “(I) A representative of the
12 Coast Guard.

13 “(II) A representative of the
14 Federal Emergency Management
15 Agency.

16 “(vi) SECRETARY OF THE INTE-
17 RIOR.—The following individuals appointed
18 by the Secretary of the Interior:

19 “(I) A representative of the Bu-
20 reau of Indian Affairs.

21 “(II) A representative of the
22 United States Fish and Wildlife Serv-
23 ice.

24 “(III) A representative of the
25 United States Geological Survey.

1 “(IV) A representative of the Na-
2 tional Park Service.

3 “(vii) SECRETARY OF TRANSPOR-
4 TATION.—The following individuals ap-
5 pointed by the Secretary of Transpor-
6 tation:

7 “(I) A representative of the Fed-
8 eral Highway Administration.

9 “(II) A representative of the
10 Federal Transit Administration.

11 “(viii) ADDITIONAL MEMBERS.—Rep-
12 resentatives of such other agencies, pro-
13 grams, and initiatives as the Puget Sound
14 Federal Leadership Task Force determines
15 necessary.

16 “(5) LEADERSHIP.—The Co-Chairs shall ensure
17 the Puget Sound Federal Leadership Task Force
18 completes its duties through robust discussion of all
19 relevant issues. The Co-Chairs shall share leadership
20 responsibilities equally.

21 “(6) CO-CHAIRS.—The following members of
22 the Puget Sound Federal Leadership Task Force
23 appointed under paragraph (5) shall serve as Co-
24 Chairs of the Puget Sound Federal Leadership Task
25 Force:

1 “(A) The representative of the National
2 Oceanic and Atmospheric Administration.

3 “(B) The representative of the Puget
4 Sound Recovery National Program Office.

5 “(C) The representative of the Corps of
6 Engineers.

7 “(7) MEETINGS.—

8 “(A) INITIAL MEETING.—The Puget
9 Sound Federal Leadership Task Force shall
10 meet not later than 180 days after the date of
11 enactment of this section—

12 “(i) to determine if all Federal agen-
13 cies are properly represented;

14 “(ii) to establish the bylaws of the
15 Puget Sound Federal Leadership Task
16 Force;

17 “(iii) to establish necessary working
18 groups or committees; and

19 “(iv) to determine subsequent meeting
20 times, dates, and logistics.

21 “(B) SUBSEQUENT MEETINGS.—After the
22 initial meeting, the Puget Sound Federal Lead-
23 ership Task Force shall meet, at a minimum,
24 twice per year to carry out the duties of the
25 Puget Sound Federal Leadership Task Force.

1 “(C) WORKING GROUP MEETINGS.—Meet-
2 ings of any established working groups or com-
3 mittees of the Puget Sound Federal Leadership
4 Task Force shall not be considered a biannual
5 meeting for purposes of subparagraph (B).

6 “(D) JOINT MEETINGS.—The Puget Sound
7 Federal Leadership Task Force shall offer to
8 meet jointly with the Puget Sound National Es-
9 tuary Program Management Conference and
10 the Puget Sound Tribal Management Con-
11 ference, at a minimum, once per year. A joint
12 meeting under this subparagraph may be con-
13 sidered a biannual meeting of the Puget Sound
14 Federal Leadership Task Force for purposes of
15 subparagraph (B), if agreed upon.

16 “(E) QUORUM.—A majority number of the
17 members of the Puget Sound Federal Leader-
18 ship Task Force shall constitute a quorum.

19 “(F) VOTING.—For the Puget Sound Fed-
20 eral Leadership Task Force to pass a measure,
21 a two-thirds percentage of the quorum must
22 vote in the affirmative.

23 “(8) PUGET SOUND FEDERAL LEADERSHIP
24 TASK FORCE PROCEDURES AND ADVICE.—

1 “(A) ADVISORS.—The Puget Sound Fed-
2 eral Leadership Task Force, and any working
3 group of the Puget Sound Federal Leadership
4 Task Force, may seek advice and input from
5 any interested, knowledgeable, or affected party
6 as the Puget Sound Federal Leadership Task
7 Force or working group, respectively, deter-
8 mines necessary to perform its duties.

9 “(B) COMPENSATION.—A member of the
10 Puget Sound Federal Leadership Task Force
11 shall receive no additional compensation for
12 service as a member on the Puget Sound Fed-
13 eral Leadership Task Force.

14 “(C) TRAVEL EXPENSES.—Travel expenses
15 incurred by a member of the Puget Sound Fed-
16 eral Leadership Task Force in the performance
17 of service on the Puget Sound Federal Leader-
18 ship Task Force may be paid by the agency or
19 department that the member represents.

20 “(9) PUGET SOUND FEDERAL TASK FORCE.—

21 “(A) IN GENERAL.—On the date of enact-
22 ment of this section, the 2016 memorandum of
23 understanding establishing the Puget Sound
24 Federal Task Force shall cease to be effective.

1 “(B) USE OF PREVIOUS WORK.—The
2 Puget Sound Federal Leadership Task Force
3 shall, to the extent practicable, use the work
4 product produced, relied upon, and analyzed by
5 the Puget Sound Federal Task Force in order
6 to avoid duplicating the efforts of the Puget
7 Sound Federal Task Force.

8 “(e) STATE ADVISORY COMMITTEE.—

9 “(1) ESTABLISHMENT.—There is established a
10 State Advisory Committee.

11 “(2) MEMBERSHIP.—The committee shall con-
12 sist of up to seven members designated by the gov-
13 erning body of the Puget Sound Partnership, in con-
14 sultation with the Governor of Washington, who will
15 represent Washington State agencies that have sig-
16 nificant roles and responsibilities related to Puget
17 Sound recovery.

18 “(f) FEDERAL ADVISORY COMMITTEE ACT.—The
19 Puget Sound Federal Leadership Task Force, State Advi-
20 sory Committee, and any working group of the Puget
21 Sound Federal Leadership Task Force, shall not be con-
22 sidered an advisory committee under the Federal Advisory
23 Committee Act (5 U.S.C. App.).

1 “(g) PUGET SOUND FEDERAL LEADERSHIP TASK
2 FORCE BIENNIAL REPORT ON PUGET SOUND RECOVERY
3 ACTIVITIES.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this section, and biennially
6 thereafter, the Puget Sound Federal Leadership
7 Task Force, in collaboration with the Puget Sound
8 Tribal Management Conference and the State Advi-
9 sory Committee, shall submit to the President, Con-
10 gress, the Governor of Washington, and the gov-
11 erning body of the Puget Sound Partnership a re-
12 port that summarizes the progress, challenges, and
13 milestones of the Puget Sound Federal Leadership
14 Task Force on the restoration and protection of
15 Puget Sound.

16 “(2) CONTENTS.—The report under paragraph
17 (1) shall include a description of the following:

18 “(A) The roles and progress of each State,
19 local government entity, and Federal agency
20 that has jurisdiction in the Puget Sound region
21 toward meeting the identified objectives and
22 priorities of the Action Agenda, Salmon Recov-
23 ery Plans, the Treaty Rights at Risk Initiative,
24 and the Coastal Nonpoint Pollution Control
25 Program.

1 “(B) If available, the roles and progress of
2 Tribal governments that have jurisdiction in the
3 Puget Sound region toward meeting the identi-
4 fied objectives and priorities of the Action
5 Agenda, Salmon Recovery Plans, the Treaty
6 Rights at Risk Initiative, and the Coastal
7 Nonpoint Pollution Control Program.

8 “(C) A summary of specific recommenda-
9 tions concerning implementation of the Action
10 Agenda and Federal Action Plan, including
11 challenges, barriers, and anticipated milestones,
12 targets, and timelines.

13 “(D) A summary of progress made by
14 Federal agencies toward the priorities identified
15 in the Federal Action Plan.

16 “(h) CROSSCUT BUDGET REPORT.—

17 “(1) FINANCIAL REPORT.—Not later than 1
18 year after the date of enactment of this section, and
19 every 5 years thereafter, the Director of the Office
20 of Management and Budget, in consultation with the
21 Puget Sound Federal Leadership Task Force, shall,
22 in conjunction with the annual budget submission of
23 the President to Congress for the year under section
24 1105(a) of title 31, United States Code, submit to
25 Congress and make available to the public, including

1 on the internet, a financial report that is certified by
2 the head of each agency represented by the Puget
3 Sound Federal Leadership Task Force.

4 “(2) CONTENTS.—The report shall contain an
5 interagency crosscut budget relating to Puget Sound
6 restoration and protection activities that displays—

7 “(A) the proposed funding for any Federal
8 restoration and protection activity to be carried
9 out in the succeeding fiscal year, including any
10 planned interagency or intra-agency transfer,
11 for each of the Federal agencies that carry out
12 restoration and protection activities;

13 “(B) the estimated expenditures for Fed-
14 eral restoration and protection activities from
15 the preceding 2 fiscal years, the current fiscal
16 year, and the succeeding fiscal year; and

17 “(C) the estimated expenditures for Fed-
18 eral environmental research and monitoring
19 programs from the preceding 2 fiscal years, the
20 current fiscal year, and the succeeding fiscal
21 year.

22 “(3) INCLUDED RECOVERY ACTIVITIES.—With
23 respect to activities described in the report, the re-
24 port shall only describe activities that have funding
25 amounts more than \$100,000.

1 “(4) SUBMISSION TO CONGRESS.—The Director
2 of the Office of Management and Budget shall sub-
3 mit the report to—

4 “(A) the Committee on Appropriations, the
5 Committee on Natural Resources, the Com-
6 mittee on Energy and Commerce, and the Com-
7 mittee on Transportation and Infrastructure of
8 the House of Representatives; and

9 “(B) the Committee on Appropriations, the
10 Committee on Environment and Public Works,
11 and the Committee on Commerce, Science, and
12 Transportation of the Senate.

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
14 tion to any other funds authorized to be appropriated for
15 activities related to Puget Sound, there is authorized to
16 be appropriated to carry out this section \$50,000,000 for
17 each of fiscal years 2021 through 2025.

18 “(j) PRESERVATION OF TREATY OBLIGATIONS AND
19 EXISTING FEDERAL STATUS.—

20 “(1) TRIBAL TREATY RIGHTS.—Nothing in this
21 section affects, or is intended to affect, any right re-
22 served by treaty between the United States and one
23 or more Indian tribes.

1 “(2) OTHER FEDERAL LAW.—Nothing in this
2 section affects the requirements and procedures of
3 other Federal law.

4 “(k) CONSISTENCY.—Actions authorized or imple-
5 mented under this section shall be consistent with—

6 “(1) the Endangered Species Act of 1973 and
7 the Salmon Recovery Plans of the State of Wash-
8 ington;

9 “(2) the Coastal Zone Management Act of 1972
10 and the Coastal Nonpoint Pollution Control Pro-
11 gram;

12 “(3) the water quality standards of the State of
13 Washington approved by the Administrator under
14 section 303; and

15 “(4) other applicable Federal requirements.”.

16 **SEC. 22304. GREAT LAKES RESTORATION INITIATIVE REAU-**
17 **THORIZATION.**

18 Section 118(c)(7)(J)(i) of the Federal Water Pollu-
19 tion Control Act (33 U.S.C. 1268(c)(7)(J)(i)) is amend-
20 ed—

21 (1) by striking “is authorized” and inserting
22 “are authorized”;

23 (2) by striking the period at the end and insert-
24 ing a semicolon;

1 (3) by striking “this paragraph \$300,000,000”
2 and inserting the following: “this paragraph—
3 “(I) \$300,000,000”; and
4 (4) by adding at the end the following:
5 “(II) \$375,000,000 for fiscal
6 year 2022;
7 “(III) \$400,000,000 for fiscal
8 year 2023;
9 “(IV) \$425,000,000 for fiscal
10 year 2024;
11 “(V) \$450,000,000 for fiscal year
12 2025; and
13 “(VI) \$475,000,000 for fiscal
14 year 2026.”.

15 **SEC. 22305. NATIONAL ESTUARY PROGRAM REAUTHORIZA-**
16 **TION.**

17 (a) MANAGEMENT CONFERENCE.—Section
18 320(a)(2)(B) of the Federal Water Pollution Control Act
19 (33 U.S.C. 1330(a)(2)(B)) is amended by striking “and
20 Peconic Bay, New York” and inserting “Peconic Bay,
21 New York; Casco Bay, Maine; Tampa Bay, Florida;
22 Coastal Bend, Texas; San Juan Bay, Puerto Rico;
23 Tillamook Bay, Oregon; Piscataqua Region, New Hamp-
24 shire; Barnegat Bay, New Jersey; Maryland Coastal Bays,
25 Maryland; Charlotte Harbor, Florida; Mobile Bay, Ala-

1 bama; Morro Bay, California; and Lower Columbia River,
2 Oregon and Washington”.

3 (b) PURPOSES OF CONFERENCE.—Section 320(b)(4)
4 of the Federal Water Pollution Control Act (33 U.S.C.
5 1330(b)(4)) is amended—

6 (1) by striking “management plan that rec-
7 ommends” and inserting “management plan that—

8 “(A) recommends”; and

9 (2) by adding at the end the following:

10 “(B) addresses the effects of recurring ex-
11 tremе weather events on the estuary, including
12 the identification and assessment of
13 vulnerabilities in the estuary and the develop-
14 ment and implementation of adaptation strate-
15 gies; and

16 “(C) increases public education and aware-
17 ness of the ecological health and water quality
18 conditions of the estuary;”.

19 (c) MEMBERS OF CONFERENCE.—Section 320(c)(5)
20 of the Federal Water Pollution Control Act (33 U.S.C.
21 1330(c)(5)) is amended by inserting “nonprofit organiza-
22 tions,” after “educational institutions,”.

23 (d) GRANTS.—Section 320(g)(4)(C) of the Federal
24 Water Pollution Control Act (33 U.S.C. 1330(g)(4)(C))
25 is amended—

1 (1) in the matter preceding clause (i)—

2 (A) by inserting “, emerging,” after “ur-
3 gent”; and

4 (B) by striking “coastal areas” and insert-
5 ing “the estuaries selected by the Administrator
6 under subsection (a)(2), or that relate to the
7 coastal resiliency of such estuaries”;

8 (2) by redesignating clauses (vi) and (vii) as
9 clauses (viii) and (ix), respectively, and inserting
10 after clause (v) the following:

11 “(vi) stormwater runoff;

12 “(vii) accelerated land loss;”; and

13 (3) in clause (viii), as so redesignated, by in-
14 serting “, extreme weather,” after “sea level rise”.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
16 320(i)(1) of the Federal Water Pollution Control Act (33
17 U.S.C. 1330(i)(1)) is amended by inserting “, and
18 \$50,000,000 for each of fiscal years 2022 through 2026,”
19 after “2021”.

20 **SEC. 22306. LAKE PONTCHARTRAIN BASIN RESTORATION**
21 **PROGRAM REAUTHORIZATION.**

22 (a) REVIEW OF COMPREHENSIVE MANAGEMENT
23 PLAN.—Section 121 of the Federal Water Pollution Con-
24 trol Act (33 U.S.C. 1273) is amended—

25 (1) in subsection (c)—

1 (A) in paragraph (5), by striking “; and”
2 and inserting a semicolon;

3 (B) in paragraph (6), by striking the pe-
4 riod and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(7) ensure that the comprehensive conserva-
7 tion and management plan approved for the Basin
8 under section 320 is reviewed and revised in accord-
9 ance with section 320 not less often than once every
10 5 years, beginning on the date of enactment of this
11 paragraph.”; and

12 (2) in subsection (d), by striking “recommended
13 by a management conference convened for the Basin
14 under section 320” and inserting “identified in the
15 comprehensive conservation and management plan
16 approved for the Basin under section 320”.

17 (b) DEFINITIONS.—Section 121(e)(1) of the Federal
18 Water Pollution Control Act (33 U.S.C. 1273(e)(1)) is
19 amended by striking “, a 5,000 square mile”.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
21 121(f) of the Federal Water Pollution Control Act (33
22 U.S.C. 1273(f)) is amended—

23 (1) in paragraph (1), by striking “2001
24 through 2012 and the amount appropriated for fis-

1 cal year 2009 for each of fiscal years 2013 through
2 2017” and inserting “2021 through 2025”; and

3 (2) by adding at the end the following:

4 “(3) ADMINISTRATIVE EXPENSES.—The Ad-
5 ministrator may use for administrative expenses not
6 more than 5 percent of the amounts appropriated to
7 carry out this section.”.

8 **SEC. 22307. LONG ISLAND SOUND PROGRAM REAUTHORIZA-**
9 **TION.**

10 Section 119(h) of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1269(h)) is amended by striking
12 “2023” and inserting “2025”.

13 **SEC. 22308. COLUMBIA RIVER BASIN RESTORATION PRO-**
14 **GRAM REAUTHORIZATION.**

15 Section 123(d)(6) of the Federal Water Pollution
16 Control Act (33 U.S.C. 1275(d)(6)) is amended by strik-
17 ing “2021” and inserting “2025”.

18 **TITLE III—RESILIENCE**
19 **REVOLVING LOAN FUND**

20 **SEC. 23001. SHORT TITLE.**

21 This title may be cited as the “Resilience Revolving
22 Loan Fund Act of 2020”.

1 **SEC. 23002. GRANTS TO ENTITIES FOR ESTABLISHMENT OF**
2 **HAZARD MITIGATION REVOLVING LOAN**
3 **FUNDS.**

4 Title II of the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is
6 amended by adding at the end the following:

7 **“SEC. 205 GRANTS TO ENTITIES FOR ESTABLISHMENT OF**
8 **HAZARD MITIGATION REVOLVING LOAN**
9 **FUNDS.**

10 “(a) GENERAL AUTHORITY.—

11 “(1) IN GENERAL.—The Administrator may
12 enter into agreements with eligible entities to make
13 capitalization grants to such entities for the estab-
14 lishment of hazard mitigation revolving loan funds
15 (referred to in this section as ‘entity loan funds’) for
16 providing funding assistance to local governments to
17 carry out eligible projects under this section to re-
18 duce disaster risks for homeowners, businesses, non-
19 profit organizations, and communities in order to de-
20 crease—

21 “(A) the loss of life and property;

22 “(B) the cost of insurance claims; and

23 “(C) Federal disaster payments.

24 “(2) AGREEMENTS.—Any agreement entered
25 into under this section shall require the participating
26 entity to—

1 “(A) comply with the requirements of this
2 section; and

3 “(B) use accounting, audit, and fiscal pro-
4 cedures conforming to generally accepted ac-
5 counting standards.

6 “(b) APPLICATION.—

7 “(1) IN GENERAL.—To be eligible to receive a
8 capitalization grant under this section, an eligible
9 entity shall submit to the Administrator an applica-
10 tion that includes the following:

11 “(A) Project proposals comprised of local
12 government hazard mitigation projects, on the
13 condition that the entity provides public notice
14 not less than 6 weeks prior to the submission
15 of an application.

16 “(B) An assessment of recurring major
17 disaster vulnerabilities impacting the entity that
18 demonstrates an escalating risk to life and
19 property.

20 “(C) A description of how the hazard miti-
21 gation plan of the entity has or has not taken
22 the vulnerabilities described in paragraph (2)
23 into account.

24 “(D) A description about how the projects
25 described in paragraph (1) could conform with

1 the hazard mitigation plans of the entity and
2 local governments.

3 “(E) A proposal of the systematic and re-
4 gional approach to achieve resilience in a vul-
5 nerable area, including impacts to river basins,
6 river corridors, watersheds, estuaries, bays,
7 coastal regions, micro-basins, micro-watersheds,
8 ecosystems, and areas at risk of earthquakes,
9 tsunamis, droughts, and wildfires, including the
10 wildland-urban interface.

11 “(2) TECHNICAL ASSISTANCE.—The Adminis-
12 trator shall provide technical assistance to eligible
13 entities for applications under this section.

14 “(c) ENTITY LOAN FUND.—

15 “(1) ESTABLISHMENT OF FUND.—An entity
16 that receives a capitalization grant under this sec-
17 tion shall establish an entity loan fund that complies
18 with the requirements of this subsection.

19 “(2) FUND MANAGEMENT.—Except as provided
20 in paragraph (3), an entity loan fund shall be ad-
21 ministered by the agency responsible for emergency
22 management for such entity and shall include only—

23 “(A) funds provided by a capitalization
24 grant under this section;

1 “(B) repayments of loans under this sec-
2 tion to the entity loan fund; and

3 “(C) interest earned on amounts in the en-
4 tity loan fund.

5 “(3) ADMINISTRATION.—A participating entity
6 may combine the financial administration of the en-
7 tity loan fund of such entity with the financial ad-
8 ministration of any other revolving fund established
9 by such entity if the Administrator determines
10 that—

11 “(A) the capitalization grant, entity share,
12 repayments of loans, and interest earned on
13 amounts in the entity loan fund are accounted
14 for separately from other amounts in the revolv-
15 ing fund; and

16 “(B) the authority to establish assistance
17 priorities and carry out oversight activities re-
18 mains in the control of the agency responsible
19 for emergency management for the entity.

20 “(4) ENTITY SHARE OF FUNDS.—On or before
21 the date on which a participating entity receives a
22 capitalization grant under this section, the entity
23 shall deposit into the entity loan fund of such entity,
24 an amount equal to not less than 10 percent of the
25 amount of the capitalization grant.

1 “(d) APPORTIONMENT.—

2 “(1) IN GENERAL.—Except as otherwise pro-
3 vided by this subsection, the Administrator shall ap-
4 portion funds made available to carry out this sec-
5 tion to entities that have entered into an agreement
6 under subsection (a)(2) in amounts as determined
7 by the Administrator.

8 “(2) RESERVATION OF FUNDS.—The Adminis-
9 trator shall reserve not more than 2.5 percent of the
10 amount made available to carry out this section
11 for—

12 “(A) administrative costs incurred in car-
13 rying out this section; and

14 “(B) providing technical assistance to par-
15 ticipating entities under subsection (b)(2).

16 “(3) PRIORITY.—In the apportionment of cap-
17 italization grants under this subsection, the Admin-
18 istrator shall give priority to entity applications
19 under subsection (b) that—

20 “(A) propose projects increasing resilience
21 and reducing risk of harm to natural and built
22 infrastructure;

23 “(B) involve a partnership between 2 or
24 more eligible entities to carry out a project or
25 similar projects;

1 “(C) take into account regional impacts of
2 hazards on river basins, river corridors, micro-
3 watersheds, macro-watersheds, estuaries, bays,
4 coastal regions, and areas vulnerable to earth-
5 quake, drought, tsunamis and wildfire, includ-
6 ing the wildland-urban interface; or

7 “(D) propose projects for the resilience of
8 major economic sectors or critical national in-
9 frastructure, including ports, global commodity
10 supply chain assets (located within an entity or
11 within the jurisdiction of local governments and
12 tribal governments), capacity, power and water
13 production and distribution centers, and bridges
14 and waterways essential to interstate commerce.

15 “(e) USE OF FUNDS.—

16 “(1) TYPES OF ASSISTANCE.—Amounts depos-
17 ited in an entity loan fund, including loan repay-
18 ments and interest earned on such amounts, may be
19 used—

20 “(A) to make loans, on the condition
21 that—

22 “(i) such loans are made at an inter-
23 est rate of not more than 1.5 percent;

24 “(ii) annual principal and interest
25 payments will commence not later than 1

1 year after completion of any project and all
2 loans will be fully amortized—

3 “(I) not later than 20 years after
4 the date on which the project is com-
5 pleted; or

6 “(II) for projects in a low-income
7 geographic area, not later than 30
8 years after the date on which the
9 projects is completed and not longer
10 than the expected design life of the
11 project;

12 “(iii) the local government receiving a
13 loan establishes a dedicated source of rev-
14 enue for repayment of the loan;

15 “(iv) the local government receiving a
16 loan has a hazard mitigation plan that has
17 been approved by the participating entity;
18 and

19 “(v) the entity loan fund will be cred-
20 ited with all payments of principal and in-
21 terest on all loans;

22 “(B) for mitigation planning, not to exceed
23 10 percent of the capitalization grants made to
24 the participating entity in a fiscal year;

1 “(C) for the reasonable costs of admin-
2 istering the fund and conducting activities
3 under this section, except that such amounts
4 shall not exceed \$100,000 per year, 2 percent
5 of the capitalization grants made to the partici-
6 pating entity in a fiscal year, or 1 percent of
7 the value of the entity loan fund, whichever
8 amount is greatest, plus the amount of any fees
9 collected by the entity for such purpose regard-
10 less of the source; and

11 “(D) to earn interest on the entity loan
12 fund.

13 “(2) PROHIBITION ON DETERMINATION THAT
14 LOAN IS A DUPLICATION.—In carrying out this sec-
15 tion, Administrator may not determine that a loan
16 is a duplication of assistance or a duplication of pro-
17 grams.

18 “(3) PROJECTS AND ACTIVITIES ELIGIBLE FOR
19 ASSISTANCE.—Except as provided in this subsection,
20 a participating entity may use funds in the entity
21 loan fund to provide financial assistance for projects
22 or activities that mitigate the impacts of hazards, in-
23 cluding—

24 “(A) drought and prolonged episodes of in-
25 tense heat;

1 “(B) severe storms, including tornados,
2 wind storms, cyclones, and severe winter
3 storms;

4 “(C) wildfires;

5 “(D) earthquakes;

6 “(E) flooding, including the construction,
7 repair, or replacement of a non-Federal levee or
8 other flood control structure, provided the Ad-
9 ministrators, in consultation with the Corps of
10 Engineers (if appropriate), requires an eligible
11 entity to determine that such levee or structure
12 is designed, constructed, and maintained in ac-
13 cordance with sound engineering practices and
14 standards equivalent to the purpose for which
15 such levee or structure is intended;

16 “(F) storm surges;

17 “(G) chemical spills that present an immi-
18 nent threat to life and property;

19 “(H) seepage resulting from chemical spills
20 and flooding; and

21 “(I) any catastrophic event that the entity
22 determines appropriate.

23 “(4) ZONING AND LAND USE PLANNING
24 CHANGES.—A participating entity may use not more
25 than 10 percent of the entity loan fund in a fiscal

1 year to provide financial assistance for zoning and
2 land use planning changes focused on—

3 “(A) the development and improvement of
4 zoning and land use codes that incentivize and
5 encourage low-impact development, resilient
6 wildland-urban interface land management and
7 development, natural infrastructure, green
8 stormwater management, conservation areas
9 adjacent to floodplains, implementation of wa-
10 tershed or greenway master plans, and re-
11 connection of floodplains;

12 “(B) the study and creation of land use in-
13 centives that reward developers for greater reli-
14 ance on low impact development stormwater
15 best management practices, exchange density
16 increases for increased open space and improve-
17 ment of neighborhood catch basins to mitigate
18 urban flooding, reward developers for including
19 and augmenting natural infrastructure adjacent
20 to and around building projects without reliance
21 on increased sprawl, and reward developers for
22 addressing wildfire ignition; and

23 “(C) the study and creation of an erosion
24 response plan that accommodates river, lake,
25 forest, plains, and ocean shoreline retreating or

1 bluff stabilization due to increased flooding and
2 disaster impacts.

3 “(5) ADMINISTRATIVE AND TECHNICAL
4 COSTS.—For each fiscal year, a participating entity
5 may use the amount described in paragraph (1)(C)
6 to—

7 “(A) pay the reasonable costs of admin-
8 istering the programs under this section, includ-
9 ing the cost of establishing an entity loan fund;

10 “(B) provide technical assistance to recipi-
11 ents of financial assistance from the entity loan
12 fund, on the condition that such technical as-
13 sistance does not exceed 5 percent of the cap-
14 italization grant made to such entity.

15 “(6) LIMITATION FOR SINGLE PROJECTS.—A
16 participating entity may not provide an amount
17 equal to or more than \$5,000,000 to a single hazard
18 mitigation project.

19 “(f) INTENDED USE PLANS.—

20 “(1) IN GENERAL.—After providing for public
21 comment and review, and consultation with appro-
22 priate agencies in an entity, Federal agencies, and
23 interest groups, each participating entity shall annu-
24 ally prepare and submit to the Administrator a plan
25 identifying the intended uses of the entity loan fund.

1 “(2) CONTENTS OF PLAN.—An entity intended
2 use plan prepared under paragraph (1) shall in-
3 clude—

4 “(A) the integration of entity planning ef-
5 forts, including entity hazard mitigation plans
6 and other programs and initiatives relating to
7 mitigation of major disasters carried out by
8 such entity;

9 “(B) an explanation of the mitigation and
10 resiliency benefits the entity intends to achieve
11 by—

12 “(i) reducing future damage and loss
13 associated with hazards;

14 “(ii) reducing the number of severe
15 repetitive loss structures and repetitive loss
16 structures in the entity;

17 “(iii) decreasing the number of insur-
18 ance claims in the entity from injuries re-
19 sulting from major disasters or other haz-
20 ards; and

21 “(iv) increasing the rating under the
22 community rating system under section
23 1315(b) of the Housing and Urban Devel-
24 opment Act of 1968 (42 U.S.C. 4022(b))
25 for communities in the entity;

1 “(C) information on the availability of, and
2 application process for, financial assistance
3 from the entity loan fund of such entity;

4 “(D) the criteria and methods established
5 for the distribution of funds;

6 “(E) the amount of financial assistance
7 that the entity anticipates apportioning;

8 “(F) the expected terms of the assistance
9 provided from the entity loan fund; and

10 “(G) a description of the financial status
11 of the entity loan fund, including short-term
12 and long-term goals for the fund.

13 “(g) AUDITS, REPORTS, PUBLICATIONS, AND OVER-
14 SIGHT.—

15 “(1) BIENNIAL ENTITY AUDIT AND REPORT.—
16 Beginning not later than the last day of the second
17 fiscal year after the receipt of payments under this
18 section, and biennially thereafter, any participating
19 entity shall—

20 “(A) conduct an audit of such fund estab-
21 lished under subsection (b); and

22 “(B) provide to the Administrator a report
23 including—

24 “(i) the result of any such audit; and

1 “(ii) a review of the effectiveness of
2 the entity loan fund of the entity with re-
3 spect to meeting the goals and intended
4 benefits described in the intended use plan
5 submitted by the entity under subsection
6 (e).

7 “(2) PUBLICATION.—A participating entity
8 shall publish and periodically update information
9 about all projects receiving funding from the entity
10 loan fund of such entity, including—

11 “(A) the location of the project;

12 “(B) the type and amount of assistance
13 provided from the entity loan fund;

14 “(C) the expected funding schedule; and

15 “(D) the anticipated date of completion of
16 the project.

17 “(3) OVERSIGHT.—

18 “(A) IN GENERAL.—The Administrator
19 shall, at least every 4 years, conduct reviews
20 and audits as may be determined necessary or
21 appropriate by the Administrator to carry out
22 the objectives of this section and determine the
23 effectiveness of the fund in reducing hazard
24 risk.

1 “(B) GAO REQUIREMENTS.—The entity
2 shall conduct audits under paragraph (1) in ac-
3 cordance with the auditing procedures of the
4 Government Accountability Office, including
5 chapter 75 of title 31.

6 “(C) RECOMMENDATIONS BY ADMINIS-
7 TRATOR.—The Administrator may at any time
8 make recommendations for or require specific
9 changes to an entity’s loan fund in order to im-
10 prove the effectiveness of the fund.

11 “(h) REGULATIONS OR GUIDANCE.—The Adminis-
12 trator shall issue such regulations or guidance as are nec-
13 essary to—

14 “(1) ensure that each participating entity uses
15 funds as efficiently as possible; and

16 “(2) reduce waste, fraud, and abuse to the
17 maximum extent possible.

18 “(i) WAIVER AUTHORITY.—Until such time as the
19 Administrator issues regulations to implement this sec-
20 tion, the Administrator may—

21 “(1) waive notice and comment rulemaking, if
22 the Administrator determines the waiver is necessary
23 to expeditiously implement this section; and

24 “(2) provide capitalization grants under this
25 section as a pilot program.

1 “(j) DEFINITIONS.—In this section, the following
2 definitions apply:

3 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
4 tity’ means a State or an Indian tribal government
5 (as such terms are defined in section 102 of this Act
6 (42 U.S.C. 5122)).

7 “(2) HAZARD MITIGATION PLAN.—The term
8 ‘hazard mitigation plan’ means a mitigation plan
9 submitted under section 322 and approved by the
10 Administrator.

11 “(3) LOW-INCOME GEOGRAPHIC AREA.—The
12 term ‘low-income geographic area’ means an area
13 described in paragraph (1) or (2) of section 301(a)
14 of the Public Works and Economic Development Act
15 of 1965 (42 U.S.C. 3161(a)).

16 “(4) PARTICIPATING ENTITY.—The term ‘par-
17 ticipating entity’ means an eligible entity that has
18 entered into an agreement under this section.

19 “(5) REPETITIVE LOSS STRUCTURE.—The term
20 ‘repetitive loss structure’ has the meaning given the
21 term in section 1370 of the National Flood Insur-
22 ance Act (42 U.S.C. 4121).

23 “(6) SEVERE REPETITIVE LOSS STRUCTURE.—
24 The term ‘severe repetitive loss structure’ has the

1 meaning given the term in section 1366(h) of the
2 National Flood Insurance Act (42 U.S.C. 4104c(h).

3 “(7) WILDLAND-URBAN INTERFACE.—The term
4 ‘wildland-urban interface’ has the meaning given the
5 term in section 101 of the Healthy Forests Restora-
6 tion Act of 2003 (16 U.S.C. 6511).

7 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$100,000,000 for each of fiscal years 2021 and 2022.”.

10 **TITLE IV—SPORTS FISHING**

11 **SEC. 24001. SHORT TITLE.**

12 This title may be cited as the “Sport Fish Restora-
13 tion, Recreational Boating Safety, and Wildlife Restora-
14 tion Act of 2020”.

15 **SEC. 24002. DIVISION OF ANNUAL APPROPRIATIONS.**

16 (a) IN GENERAL.—Section 4 of the Dingell-Johnson
17 Sport Fish Restoration Act (16 U.S.C. 777c) is amend-
18 ed—

19 (1) in subsection (a), by striking “2021” and
20 inserting “2025”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A), by striking
24 “2021” and inserting “2025”; and

1 (ii) by amending subparagraph (B) to
2 read as follows—

3 “(B) AVAILABLE AMOUNTS.—The available
4 amount referred to in subparagraph (A) is—

5 “(i) for fiscal year 2021, \$12,625,419;
6 and

7 “(ii) for fiscal year 2022 and each fis-
8 cal year thereafter, the sum of—

9 “(I) the available amount for the
10 preceding fiscal year; and

11 “(II) the amount determined by
12 multiplying—

13 “(aa) the available amount
14 for the preceding fiscal year; and

15 “(bb) the change, relative to
16 the preceding fiscal year, in the
17 Consumer Price Index for All
18 Urban Consumers published by
19 the Department of Labor.”; and

20 (B) in paragraph (2)—

21 (i) in subparagraph (A), by striking
22 “2016 through 2021” and inserting “2022
23 through 2025”; and

24 (ii) by amending subparagraph (B) to
25 read as follows—

1 “(B) AVAILABLE AMOUNTS.—The available
2 amount referred to in subparagraph (A) is—

3 “(i) for fiscal year 2021, \$8,988,700;

4 and

5 “(ii) for fiscal year 2022 and each fis-
6 cal year thereafter, the sum of—

7 “(I) the available amount for the
8 preceding fiscal year; and

9 “(II) the amount determined by
10 multiplying—

11 “(aa) the available amount
12 for the preceding fiscal year; and

13 “(bb) the change, relative to
14 the preceding fiscal year, in the
15 Consumer Price Index for All
16 Urban Consumers published by
17 the Department of Labor.”; and

18 (3) in subsection (e)(2), by striking “\$900,000”
19 and inserting “\$1,300,000”.

20 (b) ADMINISTRATION.—Section 9(a) of the Dingell-
21 Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a))
22 is amended—

23 (1) in paragraph (1), by striking “on a full-time
24 basis”;

1 (2) by striking paragraph (2) and redesignating
2 paragraphs (3) through (12) as paragraphs (2)
3 through (11), respectively;

4 (3) by striking “paragraphs (1) and (2)” and
5 inserting “paragraph (1)” each place it appears;

6 (4) in paragraph (4)(B), as so redesignated, by
7 striking “full-time equivalent”; and

8 (5) in paragraph (8)(A), as so redesignated, by
9 striking “on a full-time basis”.

10 (c) **OTHER ACTIVITIES.**—Section 14(e) of the Din-
11 gell-Johnson Sport Fish Restoration Act (16 U.S.C.
12 777m(e)) is amended by adding at the end the following:

13 “(3) A portion, as determined by the Sport
14 Fishing and Boating Partnership Council, of funds
15 disbursed for the purposes described in paragraph
16 (2) but remaining unobligated prior to fiscal year
17 2020 shall be used to study—

18 “(A) the impact of derelict recreational
19 vessels on recreational boating safety and rec-
20 reational fishing; and

21 “(B) identify options and methods for re-
22 cycling for recreational vessels.”.

23 **SEC. 24003. RECREATIONAL BOATING ACCESS.**

24 (a) **IN GENERAL.**—The Comptroller General of the
25 United States shall conduct a study on recreational boat-

1 ing access. In carrying out such study, the Comptroller
2 General shall consult with the Sport Fishing and Boating
3 Partnership Council and the National Boating Safety Ad-
4 visory Council on the design, scope, and priorities of such
5 study.

6 (b) CONTENTS.—To the extent practicable, the study
7 required under subsection (a) shall contain a description
8 of—

9 (1) the use of nonmotorized vessels in each
10 State and how the increased use of nonmotorized
11 vessels is impacting motorized and nonmotorized
12 vessel access to waterway entry points;

13 (2) recreational fishing and boating user con-
14 flicts concerning motorized and nonmotorized vessels
15 at waterway access points; and

16 (3) the use of funds provided under the Dingell-
17 Johnson Sport Fish Restoration Act (16 U.S.C. 777
18 et seq.) for—

19 (A) the sport fish restoration program to
20 improve nonmotorized vessel access at waterway
21 entry points and the reasons for providing such
22 access; and

23 (B) the Recreational Boating Safety Pro-
24 gram funds for nonmotorized boating safety
25 programs.

1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Comptroller General shall
3 submit to the Sport Fishing and Boating Partnership
4 Council, the Committees on Natural Resources and Trans-
5 portation and Infrastructure of the House of Representa-
6 tives, and the Committees on Commerce, Science, and
7 Transportation and Environment and Public Works of the
8 Senate a report containing the study required under this
9 section.

10 (d) STATE DEFINED.—In this section, the term
11 “State” means any State, the District of Columbia, the
12 Commonwealths of Puerto Rico and the Northern Mariana
13 Islands, and the territories of Guam, the U.S. Virgin Is-
14 lands, and American Samoa.

15 **SEC. 24004. WILDLIFE RESTORATION FUND ADMINISTRA-**
16 **TION.**

17 (a) ALLOCATION AND APPORTIONMENT OF AVAIL-
18 ABLE AMOUNTS.—Section 4 of the Pittman-Robertson
19 Wildlife Restoration Act (16 U.S.C. 669c), is amended—

20 (1) in subsection (a)(1)(B)—

21 (A) in clause (i) by striking “for each of
22 fiscal years 2001 and 2002, \$9,000,000;” and
23 inserting the following: “for fiscal year 2021,
24 the sum of—

1 “(I) the amount made available
2 under this paragraph for the previous
3 fiscal year adjusted to reflect the
4 change in the Consumer Price Index
5 for All Urban Consumers relative to
6 such previous fiscal year; and

7 “(II) \$979,500; and”;

8 (B) by striking clause (ii) and redesignig-
9 nating clause (iii) as clause (ii); and

10 (C) in clause (ii), as so redesignated, by
11 striking “fiscal year 2004”; and

12 (2) in subsection (a)(2) by striking “the end of
13 the fiscal year” and inserting “the end of the subse-
14 quent fiscal year”.

15 (b) AUTHORIZED EXPENSES FOR ADMINISTRA-
16 TION.—Section 9(a) of the Pittman-Robertson Wildlife
17 Restoration Act (16 U.S.C. 669h(a)) is amended—

18 (1) in paragraph (1) by striking “who directly
19 administer this Act on a full-time basis” and insert-
20 ing “for the work hours such employees spend di-
21 rectly administering this Act, as such hours are cer-
22 tified by the supervisor of the employee”;

23 (2) by striking “paragraphs (1) and (2)” and
24 inserting “paragraph (1)” each place it appears;

1 (3) by striking paragraph (2) and redesignating
2 paragraphs (3) through (12) as paragraphs (2)
3 through (11), respectively; and

4 (4) in paragraph (10), as so redesignated—

5 (A) by inserting “or part-time” after “on
6 a full-time”; and

7 (B) by striking “expenses are incurred”
8 and inserting “expenses are incurred, provided
9 that the percentage of relocation expenses paid
10 such amounts do not exceed the percentage of
11 work hours the member of personnel spends ad-
12 ministering this chapter”.

13 **SEC. 24005. SPORT FISH RESTORATION AND BOATING**
14 **TRUST FUND.**

15 Section 13107(c)(2) of title 46, United States Code,
16 is amended by striking “No funds available” and inserting
17 “On or after October 1, 2023 no funds available,”.

18 **TITLE V—CLIMATE SMART**
19 **PORTS**

20 **SEC. 25001. SHORT TITLE.**

21 This title may be cited as the “Climate Smart Ports
22 Act”.

23 **SEC. 25002. CLIMATE SMART PORTS GRANT PROGRAM.**

24 (a) ESTABLISHMENT OF PROGRAM.—Section 50302
25 of title 46, United States Code, is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (e); and

3 (2) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) CLIMATE SMART PORTS GRANT PROGRAM.—

6 “(1) ESTABLISHMENT.—Not later than 6
7 months after the date of enactment of the Climate
8 Smart Ports Act, the Secretary shall establish a pro-
9 gram to award grants to eligible entities to pur-
10 chase, and as applicable install, zero emissions port
11 equipment and technology.

12 “(2) PROCEDURAL SAFEGUARDS.—The Sec-
13 retary shall issue guidelines to establish appropriate
14 accounting, reporting, and review procedures to en-
15 sure that—

16 “(A) grant funds are used for the purposes
17 for which those funds were made available;

18 “(B) each grantee properly accounts for all
19 expenditures of grant funds; and

20 “(C) grant funds not used for such pur-
21 poses and amounts not obligated or expended
22 are returned.

23 “(3) GRANT CONDITIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 require as a condition of making a grant under
3 this subsection that a grantee—

4 “(i) maintain such records as the Sec-
5 retary considers necessary;

6 “(ii) make the records described in
7 clause (i) available for review and audit by
8 the Secretary; and

9 “(iii) periodically report to the Sec-
10 retary such information as the Secretary
11 considers necessary to assess progress.

12 “(B) ADDITIONAL REQUIREMENT.—The
13 Secretary shall apply the same requirements of
14 section 117(k) of title 23, United States Code,
15 to a port project assisted in whole or in part
16 under this section as the Secretary does a port-
17 related freight project under section 117 of title
18 23, United States Code.

19 “(C) CONSTRUCTION, REPAIR, OR ALTER-
20 ATION OF VESSELS.—With regard to the con-
21 struction, repair, or alteration of vessels, the
22 same requirements of section 117(k) of title 23,
23 United States Code, shall apply regardless of
24 whether the location of contract performance is
25 known when bids for such work are solicited.

1 “(4) PROHIBITED USE.—

2 “(A) IN GENERAL.—An eligible entity may
3 not use a grant awarded under this subsection
4 to purchase or install fully automated cargo
5 handling equipment or terminal infrastructure
6 that is designed for fully automated cargo han-
7 dling equipment.

8 “(B) HUMAN-OPERATED ZERO EMISSIONS
9 PORT EQUIPMENT AND TECHNOLOGY.—Nothing
10 in subparagraph (A) prohibits an eligible entity
11 from using a grant awarded under this sub-
12 section to purchase human-operated zero emis-
13 sions port equipment and technology or infra-
14 structure that supports such human-operated
15 zero emissions port equipment and technology.

16 “(5) COST SHARE.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), an eligible entity may not
19 use a grant awarded under this subsection to
20 cover more than 80 percent of the cost of pur-
21 chasing, and as applicable installing, zero emis-
22 sions port equipment and technology.

23 “(B) CERTAIN GRANTS.—With respect to a
24 grant in an amount equal to or greater than
25 \$3,000,000, an eligible entity may use such

1 grant to cover not more than 85 percent of the
2 cost of purchasing and installing zero emissions
3 port equipment and technology if such eligible
4 entity certifies to the Secretary that—

5 “(i) such grant will be used, at least
6 in part, to employ laborers or mechanics to
7 install zero emissions port equipment and
8 technology; and

9 “(ii) such eligible entity is a party to
10 a project labor agreement or requires that
11 each subgrantee of such eligible entity, and
12 any subgrantee thereof at any tier, that
13 performs such installation participate in a
14 project labor agreement.

15 “(6) PROJECT LABOR.—An eligible entity that
16 uses a grant awarded under this subsection to install
17 zero emissions port equipment and technology shall
18 ensure, to the greatest extent practicable, that any
19 subgrantee of such eligible entity, and any sub-
20 grantee thereof at any tier, that carries out such in-
21 stallation employs laborers or mechanics for such in-
22 stallation that—

23 “(A) are domiciled not further than 50
24 miles from such installation;

1 “(B) are members of the Armed Forces
2 serving on active duty, separated from active
3 duty, or retired from active duty;

4 “(C) have been incarcerated or served time
5 in a juvenile detention facility; or

6 “(D) have a disability.

7 “(7) WAGES.—

8 “(A) IN GENERAL.—All laborers and me-
9 chanics employed by a subgrantee of an eligible
10 entity, and any subgrantee thereof at any tier,
11 to perform construction, alteration, installation,
12 or repair work that is assisted, in whole or in
13 part, by a grant awarded under this subsection
14 shall be paid wages at rates not less than those
15 prevailing on similar construction, alteration,
16 installation, or repair work in the locality as de-
17 termined by the Secretary of Labor in accord-
18 ance with subchapter IV of chapter 31 of title
19 40, United States Code.

20 “(B) LABOR STANDARDS.—With respect to
21 the labor standards in this subsection, the Sec-
22 retary of Labor shall have the authority and
23 functions set forth in Reorganization Plan
24 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.

1 App.) and section 3145 of title 40, United
2 States Code.

3 “(8) APPLICATION.—

4 “(A) IN GENERAL.—To be eligible to be
5 awarded a grant under this subsection, an eligi-
6 ble entity shall submit to the Secretary an ap-
7 plication at such time, in such manner, and
8 containing such information as the Secretary
9 may require.

10 “(B) PRIORITY.—The Secretary shall
11 prioritize awarding grants under this subsection
12 to eligible entities based on the following:

13 “(i) The degree to which the proposed
14 use of the grant will—

15 “(I) reduce greenhouse gas emis-
16 sions;

17 “(II) reduce emissions of any cri-
18 teria pollutant and precursor thereof;

19 “(III) reduce hazardous air pol-
20 lutant emissions; and

21 “(IV) reduce public health dis-
22 parities in communities that receive a
23 disproportionate quantity of air pollu-
24 tion from a port.

1 “(ii) The amount of matching, non-
2 Federal funds expected to be used by an
3 applicant to purchase, and as applicable in-
4 stall, zero emissions port equipment and
5 technology.

6 “(iii) Whether the applicant will use
7 such grant to purchase, and as applicable
8 install, zero emissions port equipment and
9 technology that is produced in the United
10 States.

11 “(iv) As applicable, whether the appli-
12 cant will meet the utilization requirements
13 for registered apprentices established by
14 the Secretary of Labor or a State Appren-
15 ticeship Agency.

16 “(v) As applicable, whether the appli-
17 cant will recruit and retain skilled workers
18 through a State-approved joint labor man-
19 agement apprenticeship program.

20 “(9) OUTREACH.—

21 “(A) IN GENERAL.—Not later than 90
22 days after funds are made available to carry out
23 this subsection, the Secretary shall develop and
24 carry out an educational outreach program to
25 promote and explain the grant program estab-

1 lished under paragraph (1) to prospective grant
2 recipients.

3 “(B) PROGRAM COMPONENTS.—In car-
4 rying out the outreach program developed
5 under subparagraph (A), the Secretary shall—

6 “(i) inform prospective grant recipi-
7 ents how to apply for a grant awarded
8 under this subsection;

9 “(ii) describe to prospective grant re-
10 cipients the benefits of available zero emis-
11 sions port equipment and technology;

12 “(iii) explain to prospective grant re-
13 cipients the benefits of participating in the
14 grant program established under this sub-
15 section; and

16 “(iv) facilitate the sharing of best
17 practices and lessons learned between
18 grant recipients and prospective grant re-
19 cipients with respect to how to apply for
20 and use grants awarded under this sub-
21 section.

22 “(10) REPORTS.—

23 “(A) REPORT TO SECRETARY.—Not later
24 than 90 days after the date on which an eligible
25 entity uses a grant awarded under this sub-

1 section, such eligible entity shall submit to the
2 Secretary a report containing such information
3 as the Secretary shall require.

4 “(B) BIENNIAL REPORT TO CONGRESS.—
5 Not later than January 31, 2021, and bienni-
6 ally thereafter, the Secretary shall submit to
7 Congress and make available on the website of
8 the Maritime Administration a report that in-
9 cludes, with respect to each grant awarded
10 under this subsection during the preceding cal-
11 endar years—

12 “(i) the name and location of the eli-
13 gible entity that was awarded such grant;

14 “(ii) the amount of such grant that
15 the eligible entity was awarded;

16 “(iii) the name and location of the
17 port where the zero emissions port equip-
18 ment and technology that was purchased,
19 and as applicable installed, with such grant
20 is used;

21 “(iv) an estimate of the impact of
22 such zero emissions port equipment and
23 technology on reducing—

24 “(I) greenhouse gas emissions;

1 “(II) emissions of criteria pollut-
2 ants and precursors thereof;

3 “(III) hazardous air pollutant
4 emissions; and

5 “(IV) public health disparities in
6 surrounding local communities; and

7 “(v) any other information the Sec-
8 retary determines necessary to understand
9 the impact of grants awarded under this
10 subsection.

11 “(11) AUTHORIZATION OF APPROPRIATIONS.—

12 “(A) IN GENERAL.—There is authorized to
13 be appropriated to carry out this subsection
14 \$500,000,000 for each of fiscal years 2021
15 through 2030.

16 “(B) NONATTAINMENT AREAS.—To the
17 extent practicable, at least 25 percent of
18 amounts made available to carry out this sub-
19 section in each fiscal year shall be used to
20 award grants to eligible entities to provide zero
21 emissions port equipment and technology to
22 ports that are in nonattainment areas.

23 “(C) ADMINISTRATION.—

24 “(i) ADMINISTRATIVE AND OVERSIGHT
25 COSTS.—The Secretary may retain not

1 more than 2 percent of the amounts appro-
2 priated for each fiscal year under this sub-
3 section for the administrative and over-
4 sight costs incurred by the Secretary to
5 carry out this subsection.

6 “(ii) AVAILABILITY.—

7 “(I) IN GENERAL.—Amounts ap-
8 propriated for carrying out this sub-
9 section shall remain available until ex-
10 pended.

11 “(II) UNEXPENDED FUNDS.—
12 Amounts awarded as a grant under
13 this subsection that are not expended
14 by the grantee during the 5-year pe-
15 riod following the date of the award
16 shall remain available to the Secretary
17 for use for grants under this sub-
18 section in a subsequent fiscal year.

19 “(12) DEFINITIONS.—In this subsection:

20 “(A) ACTIVE DUTY.—The term ‘active
21 duty’ has the meaning given such term in sec-
22 tion 101 of title 10, United States Code.

23 “(B) ALTERNATIVE EMISSIONS CONTROL
24 TECHNOLOGY.—The term ‘alternative emissions

1 control technology’ means a technology, tech-
2 nique, or measure that—

3 “(i) captures the emissions of nitrogen
4 oxide, particulate matter, reactive organic
5 compounds, and greenhouse gases from the
6 auxiliary engine and auxiliary boiler of an
7 ocean-going vessel at berth;

8 “(ii) is verified or approved by a State
9 or Federal air quality regulatory agency;

10 “(iii) the use of which achieves at
11 least the equivalent reduction of emissions
12 as the use of shore power for an ocean-
13 going vessel at berth;

14 “(iv) the use of which results in re-
15 ducing emissions of the auxiliary engine of
16 an ocean-going vessel at berth to a rate of
17 less than—

18 “(I) 2.8 g/kW-hr for nitrogen
19 oxide;

20 “(II) 0.03 g/kW-hr for particu-
21 late matter 2.5; and

22 “(III) 0.1 g/kW-hr for reactive
23 organic compounds; and

24 “(v) reduces the emissions of the aux-
25 iliary engine and boiler of an ocean-going

1 vessel at berth by at least 80 percent of
2 the default emissions rate, which is 13.8 g.

3 “(C) CRITERIA POLLUTANT.—The term
4 ‘criteria pollutant’ means each of the following:

5 “(i) Ground-level ozone.

6 “(ii) Particulate matter.

7 “(iii) Carbon monoxide.

8 “(iv) Lead.

9 “(v) Sulfur dioxide.

10 “(vi) Nitrogen dioxide.

11 “(D) DISTRIBUTED ENERGY RESOURCE.—

12 “(i) IN GENERAL.—The term ‘distrib-
13 uted energy resource’ means an energy re-
14 source that—

15 “(I) is located on or near a cus-
16 tomer site;

17 “(II) is operated on the customer
18 side of the electric meter; and

19 “(III) is interconnected with the
20 electric grid.

21 “(ii) INCLUSIONS.—The term ‘distrib-
22 uted energy resource’ includes—

23 “(I) clean electric generation;

24 “(II) customer electric efficiency
25 measures;

1 “(III) electric demand flexibility;

2 and

3 “(IV) energy storage.

4 “(E) ELIGIBLE ENTITY.—The term ‘eligi-
5 ble entity’ means—

6 “(i) a port authority;

7 “(ii) a State, regional, local, or Tribal
8 agency that has jurisdiction over a port au-
9 thority or a port;

10 “(iii) an air pollution control district
11 or air quality management district; or

12 “(iv) a private or nonprofit entity, ap-
13 plying for a grant awarded under this sub-
14 section in collaboration with another entity
15 described in clauses (i) through (iii), that
16 owns or uses cargo or transportation
17 equipment at a port.

18 “(F) ENERGY STORAGE SYSTEM.—The
19 term ‘energy storage system’ means a system,
20 equipment, facility, or technology that—

21 “(i) is capable of absorbing energy,
22 storing energy for a period of time, and
23 dispatching the stored energy; and

1 “(ii) uses a mechanical, electrical,
2 chemical, electrochemical, or thermal pro-
3 cess to store energy that—

4 “(I) was generated at an earlier
5 time for use at a later time; or

6 “(II) was generated from a me-
7 chanical process, and would otherwise
8 be wasted, for delivery at a later time.

9 “(G) FULLY AUTOMATED CARGO HAN-
10 DLING EQUIPMENT.—The term ‘fully automated
11 cargo handling equipment’ means cargo han-
12 dling equipment that—

13 “(i) is remotely operated or remotely
14 monitored; and

15 “(ii) with respect to the use of such
16 equipment, does not require the exercise of
17 human intervention or control.

18 “(H) NONATTAINMENT AREA.—The term
19 ‘nonattainment area’ has the meaning given
20 such term in section 171 of the Clean Air Act
21 (42 U.S.C. 7501).

22 “(I) PORT.—The term ‘port’ includes a
23 maritime port and an inland port.

24 “(J) PORT AUTHORITY.—The term ‘port
25 authority’ means a governmental or quasi-gov-

1 ernmental authority formed by a legislative
2 body to operate a port.

3 “(K) PROJECT LABOR AGREEMENT.—The
4 term ‘project labor agreement’ means a pre-hire
5 collective bargaining agreement with one or
6 more labor organization that establishes the
7 terms and conditions of employment for a spe-
8 cific construction project and is described in
9 section 8(f) of the National Labor Relations
10 Act (29 U.S.C. 158(f)).

11 “(L) REGISTERED APPRENTICE.—The
12 term ‘registered apprentice’ means a person
13 who is participating in a registered apprentice-
14 ship program.

15 “(M) REGISTERED APPRENTICESHIP PRO-
16 GRAM.—The term ‘registered apprenticeship
17 program’ means a program registered pursuant
18 to the Act of August 16, 1937 (commonly
19 known as the ‘National Apprenticeship Act’; 50
20 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

21 “(N) SHORE POWER.—The term ‘shore
22 power’ means the provision of shoreside elec-
23 trical power to a ship at berth that has shut
24 down main and auxiliary engines.

1 “(O) STATE APPRENTICESHIP AGENCY.—

2 The term ‘State Apprenticeship Agency’ has the
3 meaning given such term in section 29.2 of title
4 29, Code of Federal Regulations (as in effect on
5 January 1, 2020).

6 “(P) ZERO EMISSIONS PORT EQUIPMENT
7 AND TECHNOLOGY.—

8 “(i) IN GENERAL.—The term ‘zero
9 emissions port equipment and technology’
10 means equipment and technology, includ-
11 ing the equipment and technology de-
12 scribed in clause (ii), that—

13 “(I) is used at a port; and

14 “(II)(aa) produces zero exhaust
15 emissions of—

16 “(AA) any criteria pollutant
17 and precursor thereof; and

18 “(BB) any greenhouse gas,
19 other than water vapor; or

20 “(bb) captures 100 percent of the
21 exhaust emissions produced by an
22 ocean-going vessel at berth.

23 “(ii) EQUIPMENT AND TECHNOLOGY
24 DESCRIBED.—The equipment and tech-

1 nology described in this clause is the fol-
2 lowing:

3 “(I) Any equipment that handles
4 cargo.

5 “(II) A drayage truck that trans-
6 ports cargo.

7 “(III) A train that transports
8 cargo.

9 “(IV) Port harbor craft.

10 “(V) A distributed energy re-
11 source.

12 “(VI) An energy storage system.

13 “(VII) Electrical charging infra-
14 structure.

15 “(VIII) Shore power or an alter-
16 native emissions control technology.

17 “(IX) An electric transport re-
18 frigeration unit.”.

19 (b) TECHNICAL ASSISTANCE.—Paragraph (3) of sub-
20 section (e) of section 50302 of title 46, United States
21 Code, as redesignated by subsection (a)(1) of this section,
22 is amended—

23 (1) by inserting “or (d)” after “subsection (e)”;
24 and

25 (2) by striking “such”.

1 **SEC. 25003. ENERGY POLICY ACT OF 2005 AUTHORIZATION**
2 **OF APPROPRIATIONS FOR PORT AUTHORI-**
3 **TIES.**

4 Section 797 of the Energy Policy Act of 2005 (42
5 U.S.C. 16137) is amended by adding at the end the fol-
6 lowing:

7 “(c) PORT AUTHORITIES.—There is authorized to be
8 appropriated \$50,000,000 for each of fiscal years 2021
9 through 2025 to award grants, rebates, or loans, under
10 section 792, to eligible entities to carry out projects that
11 reduce emissions at ports.”.

12 **DIVISION G—ENERGY AND**
13 **COMMERCE**
14 **TITLE I—BROADBAND**
15 **INFRASTRUCTURE**

16 **SEC. 31001. DEFINITIONS.**

17 In this title:

18 (1) AGING INDIVIDUAL.—The term “aging indi-
19 vidual” has the meaning given the term “older indi-
20 vidual” in section 102 of the Older Americans Act
21 of 1965 (42 U.S.C. 3002).

22 (2) APPROPRIATE COMMITTEES OF CON-
23 GRESS.—The term “appropriate committees of Con-
24 gress” means—

25 (A) the Committee on Appropriations of
26 the Senate;

1 (B) the Committee on Commerce, Science,
2 and Transportation of the Senate;

3 (C) the Committee on Appropriations of
4 the House of Representatives; and

5 (D) the Committee on Energy and Com-
6 merce of the House of Representatives.

7 (3) ASSISTANT SECRETARY.—The term “Assist-
8 ant Secretary” means the Assistant Secretary of
9 Commerce for Communications and Information.

10 (4) COMMISSION.—The term “Commission”
11 means the Federal Communications Commission.

12 (5) COVERED HOUSEHOLD.—The term “covered
13 household” means a household the income of which
14 does not exceed 150 percent of the poverty thresh-
15 old, as determined by using criteria of poverty estab-
16 lished by the Bureau of the Census, for a household
17 of the size involved.

18 (6) COVERED POPULATIONS.—The term “cov-
19 ered populations” means—

20 (A) individuals who are members of cov-
21 ered households;

22 (B) aging individuals;

23 (C) incarcerated individuals, other than in-
24 dividuals who are incarcerated in a Federal cor-
25 rectional facility (including a private facility op-

1 erated under contract with the Federal Govern-
2 ment);

3 (D) veterans;

4 (E) individuals with disabilities;

5 (F) individuals with a language barrier, in-
6 cluding individuals who—

7 (i) are English learners; or

8 (ii) have low levels of literacy;

9 (G) individuals who are members of a ra-
10 cial or ethnic minority group; and

11 (H) individuals who primarily reside in a
12 rural area.

13 (7) DIGITAL LITERACY.—The term “digital lit-
14 eracy” means the skills associated with using tech-
15 nology to enable users to find, evaluate, organize,
16 create, and communicate information.

17 (8) DISABILITY.—The term “disability” has the
18 meaning given the term in section 3 of the Ameri-
19 cans with Disabilities Act of 1990 (42 U.S.C.
20 12102).

21 (9) FEDERAL AGENCY.—The term “Federal
22 agency” has the meaning given the term “agency”
23 in section 551 of title 5, United States Code.

24 (10) INDIAN TRIBE.—The term “Indian Tribe”
25 has the meaning given the term “Indian tribe” in

1 section 4(e) of the Indian Self-Determination and
2 Education Assistance Act (25 U.S.C. 5304(e)).

3 (11) INSTITUTION OF HIGHER EDUCATION.—

4 The term “institution of higher education”—

5 (A) has the meaning given the term in sec-
6 tion 101 of the Higher Education Act of 1965
7 (20 U.S.C. 1001); and

8 (B) includes a postsecondary vocational in-
9 stitution.

10 (12) POSTSECONDARY VOCATIONAL INSTITU-
11 TION.—The term “postsecondary vocational institu-
12 tion” has the meaning given the term in section
13 102(c) of the Higher Education Act of 1965 (20
14 U.S.C. 1002(c)).

15 (13) RURAL AREA.—The term “rural area” has
16 the meaning given the term in section 13 of the
17 Rural Electrification Act of 1936 (7 U.S.C. 913).

18 (14) STATE.—The term “State” has the mean-
19 ing given the term in section 3 of the Communica-
20 tions Act of 1934 (47 U.S.C. 153).

21 (15) VETERAN.—The term “veteran” has the
22 meaning given the term in section 101 of title 38,
23 United States Code.

24 **SEC. 31002. SENSE OF CONGRESS.**

25 (a) IN GENERAL.—It is the sense of Congress that—

1 (1) a broadband service connection and digital
2 literacy are increasingly critical to how individuals—

3 (A) participate in the society, economy,
4 and civic institutions of the United States; and

5 (B) access health care and essential serv-
6 ices, obtain education, and build careers;

7 (2) digital exclusion—

8 (A) carries a high societal and economic
9 cost;

10 (B) materially harms the opportunity of an
11 individual with respect to the economic success,
12 educational achievement, positive health out-
13 comes, social inclusion, and civic engagement of
14 that individual;

15 (C) materially harms the opportunity of
16 areas where it is especially widespread with re-
17 spect to economic success, educational achieve-
18 ment, positive health outcomes, social cohesion,
19 and civic institutions; and

20 (D) exacerbates existing wealth and income
21 gaps, especially those experienced by covered
22 populations and between regions;

23 (3) achieving accessible and affordable access to
24 broadband service, as well as digital literacy, for all

1 people of the United States requires additional and
2 sustained research efforts and investment;

3 (4) the Federal Government, as well as State,
4 Tribal, and local governments, have made social,
5 legal, and economic obligations that necessarily ex-
6 tend to how the citizens and residents of those gov-
7 ernments access and use the internet; and

8 (5) achieving accessible and affordable access to
9 broadband service is a matter of social and economic
10 justice and is worth pursuing.

11 (b) **BROADBAND SERVICE DEFINED.**—In this sec-
12 tion, the term “broadband service” has the meaning given
13 the term “broadband internet access service” in section
14 8.1(b) of title 47, Code of Federal Regulations, or any
15 successor regulation.

16 **SEC. 31003. SEVERABILITY.**

17 If any provision of this title, an amendment made by
18 this title, or the application of such provision or amend-
19 ment to any person or circumstance is held to be invalid,
20 the remainder of this title and the amendments made by
21 this title, and the application of such provision or amend-
22 ment to any other person or circumstance, shall not be
23 affected thereby.

1 **Subtitle A—Digital Equity**

2 **SEC. 31100. DEFINITIONS.**

3 In this subtitle:

4 (1) **ADOPTION OF BROADBAND SERVICE.**—The
5 term “adoption of broadband service” means the
6 process by which an individual obtains daily access
7 to broadband service—

8 (A) with a download speed of at least 25
9 megabits per second, an upload speed of at
10 least 3 megabits per second, and a latency that
11 is sufficiently low to allow real-time, interactive
12 applications;

13 (B) with the digital skills that are nec-
14 essary for the individual to participate online;
15 and

16 (C) on a—

17 (i) personal device; and

18 (ii) secure and convenient network.

19 (2) **ANCHOR INSTITUTION.**—The term “anchor
20 institution” means a public or private school, a li-
21 brary, a medical or healthcare provider, a museum,
22 a public safety entity, a public housing agency, a
23 community college, an institution of higher edu-
24 cation, a religious organization, or any other com-
25 munity support organization or agency.

1 (3) ASSISTANT SECRETARY.—Except in section
2 31101, the term “Assistant Secretary” means the
3 Assistant Secretary, acting through the Office.

4 (4) BROADBAND SERVICE.—The term
5 “broadband service” has the meaning given the term
6 “broadband internet access service” in section 8.1(b)
7 of title 47, Code of Federal Regulations, or any suc-
8 cessor regulation.

9 (5) COVERED PROGRAMS.—The term “covered
10 programs” means the State Digital Equity Capacity
11 Grant Program established under section 31121 and
12 the Digital Equity Competitive Grant Program es-
13 tablished under section 31122.

14 (6) DIGITAL EQUITY.—The term “digital eq-
15 uity” means the condition in which individuals and
16 communities have the information technology capac-
17 ity that is needed for full participation in the society
18 and economy of the United States.

19 (7) DIGITAL INCLUSION ACTIVITIES.—The term
20 “digital inclusion activities”—

21 (A) means the activities that are necessary
22 to ensure that all individuals in the United
23 States have access to, and the use of, affordable
24 information and communication technologies,
25 such as—

- 1 (i) reliable broadband service;
- 2 (ii) internet-enabled devices that meet
- 3 the needs of the user; and
- 4 (iii) applications and online content
- 5 designed to enable and encourage self-suf-
- 6 ficiency, participation, and collaboration;
- 7 and
- 8 (B) includes—
- 9 (i) the provision of digital literacy
- 10 training;
- 11 (ii) the provision of quality technical
- 12 support; and
- 13 (iii) promoting basic awareness of
- 14 measures to ensure online privacy and cy-
- 15 bersecurity.

16 (8) ELIGIBLE STATE.—The term “eligible

17 State” means—

18 (A) with respect to planning grants made

19 available under section 31121(e)(3), a State

20 with respect to which the Assistant Secretary

21 has approved an application submitted to the

22 Assistant Secretary under section

23 31121(e)(3)(C); and

24 (B) with respect to capacity grants award-

25 ed under section 31121(d), a State with respect

1 to which the Assistant Secretary has approved
2 an application submitted to the Assistant Sec-
3 retary under section 31121(d)(2), including ap-
4 proval of the State Digital Equity Plan devel-
5 oped by the State under section 31121(c).

6 (9) FEDERAL BROADBAND SERVICE SUPPORT
7 PROGRAM.—The term “Federal broadband service
8 support program” does not include any Universal
9 Service Fund program and means any of the fol-
10 lowing programs (or any other similar Federal pro-
11 gram) to the extent the program offers broadband
12 service or programs for promoting access to
13 broadband service and adoption of broadband service
14 for various demographic communities through var-
15 ious media for residential, commercial, or community
16 providers or anchor institutions:

17 (A) The Telecommunications and Tech-
18 nology Program of the Appalachian Regional
19 Commission.

20 (B) The Telecommunications Infrastruc-
21 ture Loans and Loan Guarantees, the Rural
22 Broadband Access Loans and Loan Guarantees,
23 the Substantially Underserved Trust Areas Pro-
24 visions, the Community Connect Grant Pro-
25 gram, and the Distance Learning and

1 (C) Telemedicine Grant Program of the
2 Rural Utilities Service of the Department of
3 Agriculture.

4 (D) The Public Works and Economic Ad-
5 justment Assistance Programs and the Plan-
6 ning and Local Technical Assistance Programs
7 of the Economic Development Administration of
8 the Department of Commerce.

9 (E) The Community Development Block
10 Grants and Section 108 Loan Guarantees, the
11 Funds for Public Housing Authorities: Capital
12 Fund and Operating Fund, the Multifamily
13 Housing, the Indian Community Development
14 Block Grant Program, the Indian Housing
15 Block Grant Program, the Title VI Loan Guar-
16 antee Program, Choice Neighborhoods, the
17 HOME Investment Partnerships Program, the
18 Housing Trust Fund, and the Housing Oppor-
19 tunities for Persons with AIDS of the Depart-
20 ment of Housing and Urban Development.

21 (F) The American Job Centers of the Em-
22 ployment and Training Administration of the
23 Department of Labor.

1 (G) The Library Services and Technology
2 Grant Programs of the Institute of Museum
3 and Library Services.

4 (H) The State Digital Equity Capacity
5 Grant Program established under section
6 31121.

7 (I) The Digital Equity Competitive Grant
8 Program established under section 31122.

9 (J) The program established under section
10 723 of the Communications Act of 1934 (relat-
11 ing to expansion of access to broadband service
12 for unserved areas, areas with low-tier service,
13 areas with mid-tier service, and unserved an-
14 chor institutions), as added by section 31301.

15 (K) The broadband infrastructure finance
16 and innovation program established under chap-
17 ter 2 of subtitle C.

18 (10) GENDER IDENTITY.—The term “gender
19 identity” has the meaning given the term in section
20 249(c) of title 18, United States Code.

21 (11) LOCAL EDUCATIONAL AGENCY.—The term
22 “local educational agency” has the meaning given
23 the term in section 8101(30) of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C.
25 7801(30)).

1 (12) MEDICAID ENROLLEE.—The term “Med-
2 icaid enrollee” means, with respect to a State, an in-
3 dividual enrolled in the State plan under title XIX
4 of the Social Security Act (42 U.S.C. 1396 et seq.)
5 or a waiver of that plan.

6 (13) NATIONAL LIFELINE ELIGIBILITY
7 VERIFIER.—The term “National Lifeline Eligibility
8 Verifier” has the meaning given such term in section
9 54.400 of title 47, Code of Federal Regulations (or
10 any successor regulation).

11 (14) OFFICE.—The term “Office” means the
12 Office of Internet Connectivity and Growth estab-
13 lished pursuant to section 31101.

14 (15) PUBLIC HOUSING AGENCY.—The term
15 “public housing agency” has the meaning given the
16 term in section 3(b) of the United States Housing
17 Act of 1937 (42 U.S.C. 1437a(b)).

18 (16) SNAP PARTICIPANT.—The term “SNAP
19 participant” means an individual who is a member
20 of a household that participates in the supplemental
21 nutrition assistance program under the Food and
22 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

23 (17) SOCIALLY AND ECONOMICALLY DISADVAN-
24 TAGED SMALL BUSINESS CONCERN.—The term “so-
25 cially and economically disadvantaged small business

1 concern” has the meaning given the term in section
2 8(a)(4) of the Small Business Act (15 U.S.C.
3 637(a)(4)).

4 (18) TRIBALLY DESIGNATED ENTITY.—The
5 term “tribally designated entity” means an entity
6 designated by an Indian Tribe to carry out activities
7 under this subtitle.

8 (19) UNIVERSAL SERVICE FUND PROGRAM.—
9 The term “Universal Service Fund program” means
10 any program authorized under section 254 of the
11 Communications Act of 1934 (47 U.S.C. 254), to
12 the extent such program provides support for
13 broadband service deployment.

14 (20) UNIVERSAL SERVICE MECHANISM.—The
15 term “universal service mechanism” means any
16 funding stream provided by a Universal Service
17 Fund program to support broadband service deploy-
18 ment.

19 (21) WORKFORCE DEVELOPMENT PROGRAM.—
20 The term “workforce development program” has the
21 meaning given the term in section 3 of the Work-
22 force Innovation and Opportunity Act (29 U.S.C.
23 3102).

1 **CHAPTER 1—OFFICE OF INTERNET**
2 **CONNECTIVITY AND GROWTH**

3 **SEC. 31101. ESTABLISHMENT OF THE OFFICE OF INTERNET**
4 **CONNECTIVITY AND GROWTH.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Assistant Secretary shall establish
7 the Office of Internet Connectivity and Growth within the
8 National Telecommunications and Information Adminis-
9 tration.

10 **SEC. 31102. DUTIES.**

11 (a) **OUTREACH.**—The Office shall—

12 (1) connect with communities that need access
13 to broadband service and improved digital inclusion
14 activities through various forms of outreach and
15 communication techniques;

16 (2) hold regional workshops across the country
17 to share best practices and effective strategies for
18 promoting access to broadband service and adoption
19 of broadband service;

20 (3) develop targeted broadband service training
21 and presentations for various demographic commu-
22 nities through various media; and

23 (4) develop and distribute publications (includ-
24 ing toolkits, primers, manuals, and white papers)
25 providing guidance, strategies, and insights to com-

1 communities as the communities develop strategies to
2 expand access to broadband service and adoption of
3 broadband service.

4 (b) TRACKING OF FEDERAL DOLLARS.—

5 (1) BROADBAND SERVICE INFRASTRUCTURE.—

6 The Office shall track the construction and use of
7 and access to any broadband service infrastructure
8 built using any Federal support in a central data-
9 base.

10 (2) ACCOUNTING MECHANISM.—The Office

11 shall develop a streamlined accounting mechanism
12 by which any Federal agency offering a Federal
13 broadband service support program, and the Com-
14 mission with respect to the Universal Service Fund
15 programs, shall provide the information described in
16 paragraph (1) in a standardized and efficient fash-
17 ion.

18 (3) REPORT.—Not later than 1 year after the

19 date of the enactment of this Act, and every year
20 thereafter, the Office shall make public on the
21 website of the Office and submit to the Committee
22 on Energy and Commerce of the House of Rep-
23 resentatives and the Committee on Commerce,
24 Science, and Transportation of the Senate a report
25 on the following:

1 (A) A description of the work of the Office
2 for the previous year and the number of resi-
3 dents of the United States that received
4 broadband service as result of Federal
5 broadband service support programs and the
6 Universal Service Fund programs.

7 (B) A description of how many residents of
8 the United States were provided broadband
9 service by which universal service mechanism or
10 which Federal broadband service support pro-
11 gram.

12 (C) An estimate of the economic impact of
13 such broadband service deployment efforts on
14 the local economy, including any effect on small
15 businesses or jobs.

16 (D) A description of any non-economic
17 benefits of such broadband service deployment
18 efforts, including any effect on civic engage-
19 ment.

20 (e) STUDY AND REPORT ON AFFORDABILITY OF
21 ADOPTION OF BROADBAND SERVICE.—

22 (1) STUDY.—The Office, in consultation with
23 the Commission, the Department of Agriculture, the
24 Department of the Treasury, and such other Federal
25 agencies as the Office considers appropriate, shall,

1 not later than 1 year after the date of the enactment
2 of this Act, and biennially thereafter, conduct a
3 study that examines the following:

4 (A) The number of households for which
5 cost is a barrier to the adoption of broadband
6 service, the financial circumstances of such
7 households, and whether such households are
8 eligible for the broadband benefit under section
9 31141.

10 (B) The extent to which the cost of adop-
11 tion of broadband service is a financial burden
12 to households that have adopted broadband
13 service, the financial circumstances of such fi-
14 nancially burdened households, and whether
15 such households are receiving the broadband
16 benefit under section 31141.

17 (C) The appropriate standard to determine
18 whether adoption of broadband service is af-
19 fordable for households, given the financial cir-
20 cumstances of such households.

21 (D) The feasibility of providing additional
22 Federal subsidies, including expanding the eligi-
23 bility for or increasing the amount of the
24 broadband benefit under section 31141, to
25 households to cover the difference between the

1 cost of adoption of broadband service (deter-
2 mined before applying such additional Federal
3 subsidies) and the price at which adoption of
4 broadband service would be affordable.

5 (E) How a program to provide additional
6 Federal subsidies as described in subparagraph
7 (D) should be administered to most effectively
8 facilitate adoption of broadband service at the
9 lowest overall expense to the Federal Govern-
10 ment, including measures that would ensure
11 that the availability of the subsidies does not
12 result in providers raising the price of
13 broadband service for households receiving sub-
14 sidies.

15 (F) How participation in the Lifeline pro-
16 gram of the Commission has changed in the 5
17 years prior to the date of the enactment of this
18 Act, including—

19 (i) geographic information at the cen-
20 sus-block level depicting the scale of
21 change in participation in each area; and

22 (ii) information on changes in partici-
23 pation by specific types of Lifeline-sup-
24 ported services, including fixed voice te-
25 lephony service, mobile voice telephony

1 service, fixed broadband service, and mo-
2 bile broadband service and, in the case of
3 any Lifeline-supported services provided as
4 part of a bundle of services to which a
5 Lifeline discount is applied, which Lifeline-
6 supported services are part of such bundle
7 and whether or not each Lifeline-supported
8 service in such bundle meets Lifeline min-
9 imum service standards.

10 (G) How competition impacts the price of
11 broadband service.

12 (2) REPORT.—Not later than 1 year after the
13 date of the enactment of this Act, and biennially
14 thereafter, the Office shall submit to Congress a re-
15 port on the results of the study conducted under
16 paragraph (1).

17 (3) COST DEFINED.—In this subsection, the
18 term “cost” means, with respect to adoption of
19 broadband service, the cost of adoption of broadband
20 service to a household after applying any subsidies
21 that reduce such cost.

22 **SEC. 31103. STREAMLINED APPLICATIONS FOR SUPPORT.**

23 (a) FEDERAL AGENCY CONSULTATION.—The Office
24 shall consult with any Federal agency offering a Federal
25 broadband service support program to streamline and

1 standardize the application process for financial assistance
2 for such program.

3 (b) FEDERAL AGENCY STREAMLINING.—Any Fed-
4 eral agency offering a Federal broadband service support
5 program shall amend the applications of such agency for
6 broadband service support, to the extent practicable and
7 as necessary, to streamline and standardize applications
8 for Federal broadband service support programs across
9 the Government.

10 (c) SINGLE APPLICATION.—To the greatest extent
11 practicable, the Office shall seek to create one application
12 that may be submitted to apply for all, or substantially
13 all, Federal broadband service support programs.

14 (d) WEBSITE REQUIRED.—Not later than 180 days
15 after the date of the enactment of this Act, the Office shall
16 create a central website through which potential applicants
17 can learn about and apply for support through any Fed-
18 eral broadband service support program.

19 **SEC. 31104. COORDINATION OF SUPPORT.**

20 The Office, any Federal agency that offers a Federal
21 broadband service support program, and the Commission
22 with respect to the Universal Service Fund programs shall
23 coordinate to ensure that support is being distributed in
24 an efficient, technology-neutral, and financially sustain-
25 able manner, with the goals of achieving universal access

1 to affordable broadband service and promoting the most
2 job and economic growth for all residents of the United
3 States.

4 **SEC. 31105. RULE OF CONSTRUCTION.**

5 Nothing in this chapter is intended to alter or amend
6 any provision of section 254 of the Communications Act
7 of 1934 (47 U.S.C. 254).

8 **SEC. 31106. FUNDING.**

9 (a) APPROPRIATION.—There are appropriated to the
10 Assistant Secretary, out of any money in the Treasury not
11 otherwise appropriated, \$26,000,000 to carry out this
12 chapter for fiscal year 2021, to remain available until ex-
13 pended.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Assistant Sec-
16 retary \$26,000,000 to carry out this chapter for fiscal
17 year 2022 and each fiscal year thereafter, to remain avail-
18 able until expended.

19 **CHAPTER 2—DIGITAL EQUITY PROGRAMS**

20 **SEC. 31121. STATE DIGITAL EQUITY CAPACITY GRANT PRO-**
21 **GRAM.**

22 (a) ESTABLISHMENT; PURPOSE.—

23 (1) IN GENERAL.—The Assistant Secretary
24 shall establish in the Office the State Digital Equity

1 Capacity Grant Program (referred to in this section
2 as the “Program”)—

3 (A) the purpose of which is to promote the
4 achievement of digital equity, support digital in-
5 clusion activities, and build capacity for efforts
6 by States relating to the adoption of broadband
7 service by residents of those States;

8 (B) through which the Assistant Secretary
9 shall make grants to States in accordance with
10 the requirements of this section; and

11 (C) which shall ensure that States have the
12 capacity to promote the achievement of digital
13 equity and support digital inclusion activities.

14 (2) CONSULTATION WITH OTHER FEDERAL
15 AGENCIES; NO CONFLICT.—In establishing the Pro-
16 gram under paragraph (1), the Assistant Secretary
17 shall—

18 (A) consult with—

19 (i) the Secretary of Agriculture;

20 (ii) the Secretary of Housing and
21 Urban Development;

22 (iii) the Secretary of Education;

23 (iv) the Secretary of Labor;

24 (v) the Secretary of Health and
25 Human Services;

1 (vi) the Secretary of Veterans Affairs;

2 (vii) the Secretary of the Interior;

3 (viii) the Assistant Secretary for In-

4 dian Affairs of the Department of the Inte-

5 rior;

6 (ix) the Commission;

7 (x) the Federal Trade Commission;

8 (xi) the Director of the Institute of

9 Museum and Library Services;

10 (xii) the Administrator of the Small

11 Business Administration;

12 (xiii) the Federal Cochairman of the

13 Appalachian Regional Commission; and

14 (xiv) the head of any other Federal

15 agency that the Assistant Secretary deter-

16 mines to be appropriate; and

17 (B) ensure that the Program complements

18 and enhances, and does not conflict with, other

19 Federal broadband service support programs

20 and Universal Service Fund programs.

21 (b) ADMINISTERING ENTITY.—

22 (1) SELECTION; FUNCTION.—The governor (or

23 equivalent official) of a State that wishes to be

24 awarded a grant under this section shall, from

25 among entities that are eligible under paragraph (2),

1 select an administering entity for that State, which
2 shall—

3 (A) serve as the recipient of, and admin-
4 istering agent for, any grant awarded to the
5 State under this section;

6 (B) develop, implement, and oversee the
7 State Digital Equity Plan for the State de-
8 scribed in subsection (c);

9 (C) make subgrants to any of the entities
10 described in clauses (i) through (xi) of sub-
11 section (c)(1)(D) that is located in the State in
12 support of—

13 (i) the State Digital Equity Plan for
14 the State; and

15 (ii) digital inclusion activities in the
16 State generally; and

17 (D) serve as—

18 (i) an advocate for digital equity poli-
19 cies and digital inclusion activities; and

20 (ii) a repository of best practice mate-
21 rials regarding the policies and activities
22 described in clause (i).

23 (2) ELIGIBLE ENTITIES.—Any of the following
24 entities may serve as the administering entity for a
25 State for the purposes of this section if the entity

1 has demonstrated a capacity to administer the Pro-
2 gram on a statewide level:

3 (A) The State.

4 (B) A political subdivision, agency, or in-
5 strumentality of the State.

6 (C) An Indian Tribe located in the State,
7 a tribally designated entity located in the State,
8 or a Native Hawaiian organization located in
9 the State.

10 (c) STATE DIGITAL EQUITY PLAN.—

11 (1) DEVELOPMENT; CONTENTS.—A State that
12 wishes to be awarded a grant under subsection (d)
13 shall develop a State Digital Equity Plan for the
14 State, which shall include—

15 (A) an identification of the barriers to dig-
16 ital equity faced by covered populations in the
17 State;

18 (B) measurable objectives for documenting
19 and promoting, among each group described in
20 subparagraphs (A) through (H) of section
21 31001(6) located in that State—

22 (i) the availability of, and affordability
23 of access to, broadband service and tech-
24 nology needed for the use of broadband
25 service;

1 (ii) public awareness of such avail-
2 ability and affordability and of subsidies
3 available to increase such affordability (in-
4 cluding subsidies available through the
5 Lifeline program of the Commission), in-
6 cluding objectives to—

7 (I) inform Medicaid enrollees and
8 SNAP participants, and organizations
9 that serve Medicaid enrollees and
10 SNAP participants, of potential eligi-
11 bility for the Lifeline program; and

12 (II) provide Medicaid enrollees
13 and SNAP participants with informa-
14 tion about the Lifeline program, in-
15 cluding—

16 (aa) how to apply for the
17 Lifeline program; and

18 (bb) a description of the
19 prohibition on more than one
20 subscriber in each household re-
21 ceiving a service provided under
22 the Lifeline program;

23 (iii) the online accessibility and
24 inclusivity of public resources and services;

25 (iv) digital literacy;

1 (v) awareness of, and the use of,
2 measures to secure the online privacy of,
3 and cybersecurity with respect to, an indi-
4 vidual; and

5 (vi) the availability and affordability
6 of consumer devices and technical support
7 for those devices;

8 (C) an assessment of how the objectives
9 described in subparagraph (B) will impact and
10 interact with the State's—

11 (i) economic and workforce develop-
12 ment goals, plans, and outcomes;

13 (ii) educational outcomes;

14 (iii) health outcomes;

15 (iv) civic and social engagement; and

16 (v) delivery of other essential services;

17 (D) in order to achieve the objectives de-
18 scribed in subparagraph (B), a description of
19 how the State plans to collaborate with key
20 stakeholders in the State, which may include—

21 (i) anchor institutions;

22 (ii) county and municipal govern-
23 ments;

24 (iii) local educational agencies;

- 1 (iv) where applicable, Indian Tribes,
2 tribally designated entities, or Native Ha-
3 waiian organizations;
- 4 (v) nonprofit organizations;
- 5 (vi) organizations that represent—
- 6 (I) individuals with disabilities,
7 including organizations that represent
8 children with disabilities;
- 9 (II) aging individuals;
- 10 (III) individuals with a language
11 barrier, including individuals who—
- 12 (aa) are English learners; or
13 (bb) have low levels of lit-
14 eracy;
- 15 (IV) veterans;
- 16 (V) individuals residing in rural
17 areas; and
- 18 (VI) incarcerated individuals in
19 that State, other than individuals who
20 are incarcerated in a Federal correc-
21 tional facility (including a private fa-
22 cility operated under contract with the
23 Federal Government);
- 24 (vii) civil rights organizations;

1 (viii) entities that carry out workforce
2 development programs;

3 (ix) agencies of the State that are re-
4 sponsible for administering or supervising
5 adult education and literacy activities in
6 the State;

7 (x) public housing agencies whose ju-
8 risdictions are located in the State; and

9 (xi) a consortium of any of the enti-
10 ties described in clauses (i) through (x);
11 and

12 (E) a list of organizations with which the
13 administering entity for the State collaborated
14 in developing and implementing the Plan.

15 (2) PUBLIC AVAILABILITY.—

16 (A) IN GENERAL.—The administering enti-
17 ty for a State shall make the State Digital Eq-
18 uity Plan of the State available for public com-
19 ment for a period of not less than 30 days be-
20 fore the date on which the State submits an ap-
21 plication to the Assistant Secretary under sub-
22 section (d)(2).

23 (B) CONSIDERATION OF COMMENTS RE-
24 CEIVED.—The administering entity for a State
25 shall, with respect to an application submitted

1 to the Assistant Secretary under subsection
2 (d)(2)—

3 (i) before submitting the application—

4 (I) consider all comments re-
5 ceived during the comment period de-
6 scribed in subparagraph (A) with re-
7 spect to the application (referred to in
8 this subparagraph as the “comment
9 period”); and

10 (II) make any changes to the
11 plan that the administering entity de-
12 termines to be appropriate; and

13 (ii) when submitting the application—

14 (I) describe any changes pursued
15 by the administering entity in re-
16 sponse to comments received during
17 the comment period; and

18 (II) include a written response to
19 each comment received during the
20 comment period.

21 (3) PLANNING GRANTS.—

22 (A) IN GENERAL.—Beginning in the first
23 fiscal year that begins after the date of the en-
24 actment of this Act, the Assistant Secretary
25 shall, in accordance with the requirements of

1 this paragraph, award planning grants to
2 States for the purpose of developing the State
3 Digital Equity Plans of those States under this
4 subsection.

5 (B) ELIGIBILITY.—In order to be awarded
6 a planning grant under this paragraph, a
7 State—

8 (i) shall submit to the Assistant Sec-
9 retary an application under subparagraph
10 (C); and

11 (ii) may not have been awarded, at
12 any time, a planning grant under this
13 paragraph.

14 (C) APPLICATION.—A State that wishes to
15 be awarded a planning grant under this para-
16 graph shall, not later than 60 days after the
17 date on which the notice of funding availability
18 with respect to the grant is released, submit to
19 the Assistant Secretary an application, in a for-
20 mat to be determined by the Assistant Sec-
21 retary, that contains the following materials:

22 (i) A description of the entity selected
23 to serve as the administering entity for the
24 State, as described in subsection (b).

1 (ii) A certification from the State
2 that, not later than 1 year after the date
3 on which the Assistant Secretary awards
4 the planning grant to the State, the ad-
5 ministering entity for that State will sub-
6 mit to the Assistant Secretary a State Dig-
7 ital Equity Plan developed under this sub-
8 section, which will comply with the require-
9 ments of this subsection, including the re-
10 quirements of paragraph (2).

11 (iii) The assurances required under
12 subsection (e).

13 (D) AWARDS.—

14 (i) AMOUNT OF GRANT.—The amount
15 of a planning grant awarded to an eligible
16 State under this paragraph shall be deter-
17 mined according to the formula under sub-
18 section (d)(3)(A)(i).

19 (ii) DURATION.—

20 (I) IN GENERAL.—Except as pro-
21 vided in subclause (II), with respect to
22 a planning grant awarded to an eligi-
23 ble State under this paragraph, the
24 State shall expend the grant funds
25 during the 1-year period beginning on

1 the date on which the State is award-
2 ed the grant funds.

3 (II) EXCEPTION.—The Assistant
4 Secretary may grant an extension of
5 not longer than 180 days with respect
6 to the requirement under subclause
7 (I).

8 (iii) CHALLENGE MECHANISM.—The
9 Assistant Secretary shall ensure that any
10 eligible State to which a planning grant is
11 awarded under this paragraph may appeal
12 or otherwise challenge in a timely fashion
13 the amount of the grant awarded to the
14 State, as determined under clause (i).

15 (E) USE OF FUNDS.—An eligible State to
16 which a planning grant is awarded under this
17 paragraph shall, through the administering en-
18 tity for that State, use the grant funds only for
19 the following purposes:

20 (i) To develop the State Digital Eq-
21 uity Plan of the State under this sub-
22 section.

23 (ii)(I) Subject to subclause (II), to
24 make subgrants to any of the entities de-
25 scribed in clauses (i) through (xi) of para-

1 graph (1)(D) to assist in the development
2 of the State Digital Equity Plan of the
3 State under this subsection.

4 (II) If the administering entity for a
5 State makes a subgrant described in sub-
6 clause (I), the administering entity shall,
7 with respect to the subgrant, provide to the
8 State the assurances required under sub-
9 section (e).

10 (d) STATE CAPACITY GRANTS.—

11 (1) IN GENERAL.—Beginning not later than 2
12 years after the date on which the Assistant Sec-
13 retary begins awarding planning grants under sub-
14 section (c)(3), the Assistant Secretary shall each
15 year award grants to eligible States to support—

16 (A) the implementation of the State Dig-
17 ital Equity Plans of those States; and

18 (B) digital inclusion activities in those
19 States.

20 (2) APPLICATION.—A State that wishes to be
21 awarded a grant under this subsection shall, not
22 later than 60 days after the date on which the notice
23 of funding availability with respect to the grant is
24 released, submit to the Assistant Secretary an appli-

1 cation, in a format to be determined by the Assist-
2 ant Secretary, that contains the following materials:

3 (A) A description of the entity selected to
4 serve as the administering entity for the State,
5 as described in subsection (b).

6 (B) The State Digital Equity Plan of that
7 State, as described in subsection (c).

8 (C) A certification that the State, acting
9 through the administering entity for the State,
10 shall—

11 (i) implement the State Digital Equity
12 Plan of the State; and

13 (ii) make grants in a manner that is
14 consistent with the aims of the Plan de-
15 scribed in clause (i).

16 (D) The assurances required under sub-
17 section (e).

18 (E) In the case of a State to which the As-
19 sistant Secretary has previously awarded a
20 grant under this subsection, any amendments
21 to the State Digital Equity Plan of that State,
22 as compared with the State Digital Equity Plan
23 of the State previously submitted.

24 (3) AWARDS.—

25 (A) AMOUNT OF GRANT.—

1 (i) FORMULA.—Subject to clauses (ii),
2 (iii), and (iv), the Assistant Secretary shall
3 calculate the amount of a grant awarded to
4 an eligible State under this subsection in
5 accordance with the following criteria,
6 using the best available data for all States
7 for the fiscal year in which the grant is
8 awarded:

9 (I) 50 percent of the total grant
10 amount shall be based on the popu-
11 lation of the eligible State in propor-
12 tion to the total population of all eligi-
13 ble States.

14 (II) 25 percent of the total grant
15 amount shall be based on the number
16 of individuals in the eligible State who
17 are members of covered populations in
18 proportion to the total number of indi-
19 viduals in all eligible States who are
20 members of covered populations.

21 (III) 25 percent of the total
22 grant amount shall be based on the
23 lack of availability of broadband serv-
24 ice and lack of adoption of broadband
25 service in the eligible State in propor-

1 tion to the lack of availability of
2 broadband service and lack of adop-
3 tion of broadband service in all eligi-
4 ble States, which shall be determined
5 according to data collected—

6 (aa) from the annual inquiry
7 of the Commission conducted
8 under section 706(b) of the Tele-
9 communications Act of 1996 (47
10 U.S.C. 1302(b));

11 (bb) from the American
12 Community Survey or, if nec-
13 essary, other data collected by
14 the Bureau of the Census;

15 (cc) from the Internet and
16 Computer Use Supplement to the
17 Current Population Survey of the
18 Bureau of the Census;

19 (dd) by the Commission pur-
20 suant to the rules issued under
21 section 802 of the Communica-
22 tions Act of 1934 (47 U.S.C.
23 642); and

24 (ee) from any other source
25 that the Assistant Secretary,

1 after appropriate notice and op-
2 portunity for public comment, de-
3 termines to be appropriate.

4 (ii) MINIMUM AWARD.—The amount
5 of a grant awarded to an eligible State
6 under this subsection in a fiscal year shall
7 be not less than 0.5 percent of the total
8 amount made available to award grants to
9 eligible States for that fiscal year.

10 (iii) ADDITIONAL AMOUNTS.—If, after
11 awarding planning grants to States under
12 subsection (c)(3) and capacity grants to el-
13 igible States under this subsection in a fis-
14 cal year, there are amounts remaining to
15 carry out this section, the Assistant Sec-
16 retary shall distribute those amounts—

17 (I) to eligible States to which the
18 Assistant Secretary has awarded
19 grants under this subsection for that
20 fiscal year; and

21 (II) in accordance with the for-
22 mula described in clause (i).

23 (iv) DATA UNAVAILABLE.—If, in a fis-
24 cal year, the Commonwealth of Puerto
25 Rico (referred to in this clause as “Puerto

1 Rico”) is an eligible State and specific data
2 for Puerto Rico is unavailable for a factor
3 described in subclause (I), (II), or (III) of
4 clause (i), the Assistant Secretary shall use
5 the median data point with respect to that
6 factor among all eligible States and assign
7 it to Puerto Rico for the purposes of mak-
8 ing any calculation under that clause for
9 that fiscal year.

10 (B) DURATION.—With respect to a grant
11 awarded to an eligible State under this sub-
12 section, the eligible State shall expend the grant
13 funds during the 5-year period beginning on the
14 date on which the eligible State is awarded the
15 grant funds.

16 (C) CHALLENGE MECHANISM.—The As-
17 sistant Secretary shall ensure that any eligible
18 State to which a grant is awarded under this
19 subsection may appeal or otherwise challenge in
20 a timely fashion the amount of the grant
21 awarded to the State, as determined under sub-
22 paragraph (A).

23 (D) USE OF FUNDS.—The administering
24 entity for an eligible State to which a grant is

1 awarded under this subsection shall use the
2 grant amounts for the following purposes:

3 (i)(I) Subject to subclause (II), to up-
4 date or maintain the State Digital Equity
5 Plan of the State.

6 (II) An administering entity for an el-
7 igible State to which a grant is awarded
8 under this subsection may use not more
9 than 20 percent of the amount of the
10 grant for the purpose described in sub-
11 clause (I).

12 (ii) To implement the State Digital
13 Equity Plan of the State.

14 (iii)(I) Subject to subclause (II), to
15 award a grant to any entity that is de-
16 scribed in section 31122(b) and is located
17 in the eligible State in order to—

18 (aa) assist in the implementation
19 of the State Digital Equity Plan of
20 the State;

21 (bb) pursue digital inclusion ac-
22 tivities in the State consistent with
23 the State Digital Equity Plan of the
24 State; and

1 (cc) report to the State regarding
2 the digital inclusion activities of the
3 entity.

4 (II) Before an administering entity
5 for an eligible State may award a grant
6 under subclause (I), the administering en-
7 tity shall require the entity to which the
8 grant is awarded to certify that—

9 (aa) the entity shall carry out the
10 activities required under items (aa),
11 (bb), and (cc) of that subclause;

12 (bb) the receipt of the grant shall
13 not result in unjust enrichment of the
14 entity; and

15 (cc) the entity shall cooperate
16 with any evaluation—

17 (AA) of any program that
18 relates to a grant awarded to the
19 entity; and

20 (BB) that is carried out by
21 or for the administering entity,
22 the Assistant Secretary, or an-
23 other Federal official.

1 (iv)(I) Subject to subclause (II), to
2 evaluate the efficacy of the efforts funded
3 by grants made under clause (iii).

4 (II) An administering entity for an el-
5 igible State to which a grant is awarded
6 under this subsection may use not more
7 than 5 percent of the amount of the grant
8 for a purpose described in subclause (I).

9 (v)(I) Subject to subclause (II), for
10 the administrative costs incurred in car-
11 rying out the activities described in clauses
12 (i) through (iv).

13 (II) An administering entity for an el-
14 igible State to which a grant is awarded
15 under this subsection may use not more
16 than 3 percent of the amount of the grant
17 for the purpose described in subclause (I).

18 (e) ASSURANCES.—When applying for a grant under
19 this section, a State shall include in the application for
20 that grant assurances that—

21 (1) if any of the entities described in clauses (i)
22 through (xi) of subsection (c)(1)(D) or section
23 31122(b) is awarded grant funds under this section
24 (referred to in this subsection as a “covered recipi-
25 ent”), provide that—

1 (A) the covered recipient shall use the
2 grant funds in accordance with any applicable
3 statute, regulation, or application procedure;

4 (B) the administering entity for that State
5 shall adopt and use proper methods of admin-
6 istering any grant that the covered recipient is
7 awarded, including by—

8 (i) enforcing any obligation imposed
9 under law on any agency, institution, orga-
10 nization, or other entity that is responsible
11 for carrying out the program to which the
12 grant relates;

13 (ii) correcting any deficiency in the
14 operation of a program to which the grant
15 relates, as identified through an audit or
16 another monitoring or evaluation proce-
17 dure; and

18 (iii) adopting written procedures for
19 the receipt and resolution of complaints al-
20 leging a violation of law with respect to a
21 program to which the grant relates; and

22 (C) the administering entity for that State
23 shall cooperate in carrying out any evaluation—

1 (i) of any program that relates to a
2 grant awarded to the covered recipient;
3 and

4 (ii) that is carried out by or for the
5 Assistant Secretary or another Federal of-
6 ficial;

7 (2) the administering entity for that State
8 shall—

9 (A) use fiscal control and fund accounting
10 procedures that ensure the proper disbursement
11 of, and accounting for, any Federal funds that
12 the State is awarded under this section;

13 (B) submit to the Assistant Secretary any
14 reports that may be necessary to enable the As-
15 sistant Secretary to perform the duties of the
16 Assistant Secretary under this section;

17 (C) maintain any records and provide any
18 information to the Assistant Secretary, includ-
19 ing those records, that the Assistant Secretary
20 determines is necessary to enable the Assistant
21 Secretary to perform the duties of the Assistant
22 Secretary under this section; and

23 (D) with respect to any significant pro-
24 posed change or amendment to the State Dig-
25 ital Equity Plan for the State, make the change

1 or amendment available for public comment in
2 accordance with subsection (c)(2); and

3 (3) the State, before submitting to the Assist-
4 ant Secretary the State Digital Equity Plan of the
5 State, has complied with the requirements of sub-
6 section (c)(2).

7 (f) TERMINATION OF GRANT.—

8 (1) IN GENERAL.—In addition to other author-
9 ity under applicable law, the Assistant Secretary
10 shall terminate a grant awarded to an eligible State
11 under this section if, after notice to the State and
12 opportunity for a hearing, the Assistant Secretary
13 determines, and presents to the State a rationale
14 and supporting information that clearly dem-
15 onstrates, that—

16 (A) the grant funds are not contributing to
17 the development or implementation of the State
18 Digital Equity Plan of the State, as applicable;

19 (B) the State is not upholding assurances
20 made by the State to the Assistant Secretary
21 under subsection (e); or

22 (C) the grant is no longer necessary to
23 achieve the original purpose for which the As-
24 sistant Secretary awarded the grant.

1 (2) REDISTRIBUTION.—If the Assistant Sec-
2 retary, in a fiscal year, terminates a grant under
3 paragraph (1) or under other authority under appli-
4 cable law, the Assistant Secretary shall redistribute
5 the unspent grant amounts—

6 (A) to eligible States to which the Assist-
7 ant Secretary has awarded grants under sub-
8 section (d) for that fiscal year; and

9 (B) in accordance with the formula de-
10 scribed in subsection (d)(3)(A)(i).

11 (g) REPORTING AND INFORMATION REQUIREMENTS;
12 INTERNET DISCLOSURE.—The Assistant Secretary—

13 (1) shall—

14 (A) require any entity to which a grant, in-
15 cluding a subgrant, is awarded under this sec-
16 tion to publicly report, for each year during the
17 period described in subsection (c)(3)(D)(ii) or
18 (d)(3)(B), as applicable, with respect to the
19 grant, and in a format specified by the Assist-
20 ant Secretary, on—

21 (i) the use of that grant by the entity;

22 (ii) the progress of the entity towards
23 fulfilling the objectives for which the grant
24 was awarded; and

1 (iii) the implementation of the State
2 Digital Equity Plan of the State;

3 (B) establish appropriate mechanisms to
4 ensure that any entity to which a grant, includ-
5 ing a subgrant, is awarded under this section—

6 (i) uses the grant amounts in an ap-
7 propriate manner; and

8 (ii) complies with all terms with re-
9 spect to the use of the grant amounts; and

10 (C) create and maintain a fully searchable
11 database, which shall be accessible on the inter-
12 net at no cost to the public, that contains, at
13 a minimum—

14 (i) the application of each State that
15 has applied for a grant under this section;

16 (ii) the status of each application de-
17 scribed in clause (i);

18 (iii) each report submitted by an enti-
19 ty under subparagraph (A);

20 (iv) a record of public comments re-
21 ceived during the comment period de-
22 scribed in subsection (c)(2)(A) regarding
23 the State Digital Equity Plan of a State,
24 as well as any written responses to or ac-

1 tions taken as a result of those comments;
2 and

3 (v) any other information that the As-
4 sistant Secretary considers appropriate to
5 ensure that the public has sufficient infor-
6 mation to understand and monitor grants
7 awarded under this section; and

8 (2) may establish additional reporting and in-
9 formation requirements for any recipient of a grant
10 under this section.

11 (h) SUPPLEMENT NOT SUPPLANT.—A grant or
12 subgrant awarded under this section shall supplement, not
13 supplant, other Federal or State funds that have been
14 made available to carry out activities described in this sec-
15 tion.

16 (i) SET ASIDES.—From amounts made available in
17 a fiscal year to carry out the Program, the Assistant Sec-
18 retary shall reserve—

19 (1) not more than 5 percent for the implemen-
20 tation and administration of the Program, which
21 shall include—

22 (A) providing technical support and assist-
23 ance, including ensuring consistency in data re-
24 porting;

25 (B) providing assistance to—

1 (i) States, or administering entities
2 for States, to prepare the applications of
3 those States; and

4 (ii) administering entities with respect
5 to grants awarded under this section; and

6 (C) developing the report required under
7 section 31123(a); and

8 (2) not less than 5 percent to award grants di-
9 rectly to Indian Tribes, tribally designated entities,
10 and Native Hawaiian organizations to allow those
11 Tribes, entities, and organizations to carry out the
12 activities described in this section.

13 (j) RULES.—The Assistant Secretary may prescribe
14 such rules as may be necessary to carry out this section.

15 (k) APPROPRIATION.—There are appropriated to the
16 Assistant Secretary, out of any money in the Treasury not
17 otherwise appropriated—

18 (1) for the award of grants under subsection
19 (c)(3), \$60,000,000 for fiscal year 2021, to remain
20 available until expended; and

21 (2) for the award of grants under subsection
22 (d)—

23 (A) \$125,000,000 for fiscal year 2021, to
24 remain available until expended;

1 (B) \$125,000,000 for fiscal year 2022, to
2 remain available until expended;

3 (C) \$125,000,000 for fiscal year 2023, to
4 remain available until expended;

5 (D) \$125,000,000 for fiscal year 2024, to
6 remain available until expended; and

7 (E) \$125,000,000 for fiscal year 2025, to
8 remain available until expended.

9 **SEC. 31122. DIGITAL EQUITY COMPETITIVE GRANT PRO-**
10 **GRAM.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—Not later than 30 days after
13 the date on which the Assistant Secretary begins
14 awarding grants under section 31121(d), and not
15 before that date, the Assistant Secretary shall estab-
16 lish in the Office the Digital Equity Competitive
17 Grant Program (referred to in this section as the
18 “Program”), the purpose of which is to award
19 grants to support efforts to achieve digital equity,
20 promote digital inclusion activities, and spur greater
21 adoption of broadband service among covered popu-
22 lations.

23 (2) CONSULTATION; NO CONFLICT.—In estab-
24 lishing the Program under paragraph (1), the As-
25 sistant Secretary—

1 (A) may consult a State with respect to—

2 (i) the identification of groups de-
3 scribed in subparagraphs (A) through (H)
4 of section 31001(6) located in that State;
5 and

6 (ii) the allocation of grant funds with-
7 in that State for projects in or affecting
8 the State; and

9 (B) shall—

10 (i) consult with—

11 (I) the Secretary of Agriculture;

12 (II) the Secretary of Housing
13 and Urban Development;

14 (III) the Secretary of Education;

15 (IV) the Secretary of Labor;

16 (V) the Secretary of Health and
17 Human Services;

18 (VI) the Secretary of Veterans
19 Affairs;

20 (VII) the Secretary of the Inte-
21 rior;

22 (VIII) the Assistant Secretary for
23 Indian Affairs of the Department of
24 the Interior;

25 (IX) the Commission;

1 (X) the Federal Trade Commis-
2 sion;

3 (XI) the Director of the Institute
4 of Museum and Library Services;

5 (XII) the Administrator of the
6 Small Business Administration;

7 (XIII) the Federal Cochairman
8 of the Appalachian Regional Commis-
9 sion; and

10 (XIV) the head of any other Fed-
11 eral agency that the Assistant Sec-
12 retary determines to be appropriate;
13 and

14 (ii) ensure that the Program com-
15 plements and enhances, and does not con-
16 flict with, other Federal broadband service
17 support programs and Universal Service
18 Fund programs.

19 (b) ELIGIBILITY.—The Assistant Secretary may
20 award a grant under the Program to any of the following
21 entities if the entity is not serving, and has not served,
22 as the administering entity for a State under section
23 31121(b):

24 (1) A political subdivision, agency, or instru-
25 mentality of a State, including an agency of a State

1 that is responsible for administering or supervising
2 adult education and literacy activities in the State.

3 (2) An Indian Tribe, a tribally designated enti-
4 ty, or a Native Hawaiian organization.

5 (3) An entity that is—

6 (A) a not-for-profit entity; and

7 (B) not a school.

8 (4) An anchor institution.

9 (5) A local educational agency.

10 (6) An entity that carries out a workforce devel-
11 opment program.

12 (7) A consortium of any of the entities de-
13 scribed in paragraphs (1) through (6).

14 (8) A consortium of—

15 (A) an entity described in any of para-
16 graphs (1) through (6); and

17 (B) an entity that—

18 (i) the Assistant Secretary, by rule,
19 determines to be in the public interest; and

20 (ii) is not a school.

21 (c) APPLICATION.—An entity that wishes to be
22 awarded a grant under the Program shall submit to the
23 Assistant Secretary an application—

1 (1) at such time, in such form, and containing
2 such information as the Assistant Secretary may re-
3 quire; and

4 (2) that—

5 (A) provides a detailed explanation of how
6 the entity will use any grant amounts awarded
7 under the Program to carry out the purposes of
8 the Program in an efficient and expeditious
9 manner;

10 (B) identifies the period in which the ap-
11 plicant will expend the grant funds awarded
12 under the Program;

13 (C) includes—

14 (i) a justification for the amount of
15 the grant that the applicant is requesting;
16 and

17 (ii) for each fiscal year in which the
18 applicant will expend the grant funds, a
19 budget for the activities that the grant
20 funds will support;

21 (D) demonstrates to the satisfaction of the
22 Assistant Secretary that the entity—

23 (i) is capable of carrying out the
24 project or function to which the application

1 relates and the activities described in sub-
2 section (h)—

3 (I) in a competent manner; and

4 (II) in compliance with all appli-
5 cable Federal, State, and local laws;
6 and

7 (ii) if the applicant is an entity de-
8 scribed in subsection (b)(1), will appro-
9 priate or otherwise unconditionally obligate
10 from non-Federal sources funds that are
11 necessary to meet the requirements of sub-
12 section (e);

13 (E) discloses to the Assistant Secretary the
14 source and amount of other Federal, State, or
15 outside funding sources from which the entity
16 receives, or has applied for, funding for activi-
17 ties or projects to which the application relates;
18 and

19 (F) provides—

20 (i) the assurances that are required
21 under subsection (f); and

22 (ii) an assurance that the entity shall
23 follow such additional procedures as the
24 Assistant Secretary may require to ensure

1 that grant funds are used and accounted
2 for in an appropriate manner.

3 (d) AWARD OF GRANTS.—

4 (1) FACTORS CONSIDERED IN AWARD OF
5 GRANTS.—In deciding whether to award a grant
6 under the Program, the Assistant Secretary shall, to
7 the extent practicable, consider—

8 (A) whether—

9 (i) an application will, if approved—

10 (I) increase access to broadband
11 service and the adoption of broadband
12 service among covered populations to
13 be served by the applicant; and

14 (II) not result in unjust enrich-
15 ment; and

16 (ii) the applicant is, or plans to sub-
17 contract with, a socially and economically
18 disadvantaged small business concern;

19 (B) the comparative geographic diversity of
20 the application in relation to other eligible ap-
21 plications; and

22 (C) the extent to which an application may
23 duplicate or conflict with another program.

24 (2) USE OF FUNDS.—

1 (A) IN GENERAL.—In addition to the ac-
2 tivities required under subparagraph (B), an
3 entity to which the Assistant Secretary awards
4 a grant under the Program shall use the grant
5 amounts to support not less than 1 of the fol-
6 lowing activities:

7 (i) To develop and implement digital
8 inclusion activities that benefit covered
9 populations.

10 (ii) To facilitate the adoption of
11 broadband service by covered populations,
12 including by raising awareness of subsidies
13 available to increase affordability of such
14 service (including subsidies available
15 through the Lifeline program of the Com-
16 mission), in order to provide educational
17 and employment opportunities to those
18 populations.

19 (iii) To implement, consistent with the
20 purposes of this chapter—

21 (I) training programs for covered
22 populations that cover basic, ad-
23 vanced, and applied skills; or

24 (II) other workforce development
25 programs.

1 (iv) To make available equipment, in-
2 strumentation, networking capability, hard-
3 ware and software, or digital network tech-
4 nology for broadband service to covered
5 populations at low or no cost.

6 (v) To construct, upgrade, expend, or
7 operate new or existing public access com-
8 puting centers for covered populations
9 through anchor institutions.

10 (vi) To undertake any other project or
11 activity that the Assistant Secretary finds
12 to be consistent with the purposes for
13 which the Program is established.

14 (B) EVALUATION.—

15 (i) IN GENERAL.—An entity to which
16 the Assistant Secretary awards a grant
17 under the Program shall use not more
18 than 10 percent of the grant amounts to
19 measure and evaluate the activities sup-
20 ported with the grant amounts.

21 (ii) SUBMISSION TO ASSISTANT SEC-
22 RETARY.—An entity to which the Assistant
23 Secretary awards a grant under the Pro-
24 gram shall submit to the Assistant Sec-

1 retary each measurement and evaluation
2 performed under clause (i)—

3 (I) in a manner specified by the
4 Assistant Secretary;

5 (II) not later than 15 months
6 after the date on which the entity is
7 awarded the grant amounts; and

8 (III) annually after the submis-
9 sion described in subclause (II) for
10 any year in which the entity expends
11 grant amounts.

12 (C) ADMINISTRATIVE COSTS.—An entity to
13 which the Assistant Secretary awards a grant
14 under the Program may use not more than 10
15 percent of the amount of the grant for adminis-
16 trative costs in carrying out any of the activities
17 described in subparagraph (A).

18 (D) TIME LIMITATIONS.—With respect to
19 a grant awarded to an entity under the Pro-
20 gram, the entity—

21 (i) except as provided in clause (ii),
22 shall expend the grant amounts during the
23 4-year period beginning on the date on
24 which the entity is awarded the grant
25 amounts; and

1 (ii) during the 1-year period beginning
2 on the date that is 4 years after the date
3 on which the entity is awarded the grant
4 amounts, may continue to measure and
5 evaluate the activities supported with the
6 grant amounts, as required under subpara-
7 graph (B).

8 (E) CONTRACTING REQUIREMENTS.—All
9 laborers and mechanics employed by contractors
10 or subcontractors in the performance of con-
11 struction, alteration, or repair work carried out,
12 in whole or in part, with a grant under the Pro-
13 gram shall be paid wages at rates not less than
14 those prevailing on projects of a similar char-
15 acter in the locality as determined by the Sec-
16 retary of Labor in accordance with subchapter
17 IV of chapter 31 of title 40, United States
18 Code. With respect to the labor standards in
19 this subparagraph, the Secretary of Labor shall
20 have the authority and functions set forth in
21 Reorganization Plan Numbered 14 of 1950 (64
22 Stat. 1267; 5 U.S.C. App.) and section 3145 of
23 title 40, United States Code.

24 (F) NEUTRALITY REQUIREMENT.—An em-
25 ployer to which the Assistant Secretary awards

1 a grant under the Program shall remain neutral
2 with respect to the exercise of employees and
3 labor organizations of the right to organize and
4 bargain under the National Labor Relations Act
5 (29 U.S.C. 151 et seq.).

6 (G) REFERRAL OF ALLEGED VIOLATIONS
7 OF APPLICABLE FEDERAL LABOR AND EMPLOY-
8 MENT LAWS.—The Assistant Secretary shall
9 refer any alleged violation of an applicable labor
10 and employment law to the appropriate Federal
11 agency for investigation and enforcement, any
12 alleged violation of subparagraph (E) or (F) to
13 the National Labor Relations Board for inves-
14 tigation and enforcement, utilizing all appro-
15 priate remedies up to and including debarment
16 from the Program.

17 (e) FEDERAL SHARE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the Federal share of any project for
20 which the Assistant Secretary awards a grant under
21 the Program may not exceed 90 percent.

22 (2) EXCEPTION.—The Assistant Secretary may
23 grant a waiver with respect to the limitation on the
24 Federal share of a project described in paragraph
25 (1) if—

1 (A) the applicant with respect to the
2 project petitions the Assistant Secretary for the
3 waiver; and

4 (B) the Assistant Secretary determines
5 that the petition described in subparagraph (A)
6 demonstrates financial need.

7 (f) ASSURANCES.—When applying for a grant under
8 this section, an entity shall include in the application for
9 that grant assurances that the entity will—

10 (1) use any grant funds that the entity is
11 awarded in accordance with any applicable statute,
12 regulation, or application procedure;

13 (2) adopt and use proper methods of admin-
14 istering any grant that the entity is awarded, includ-
15 ing by—

16 (A) enforcing any obligation imposed under
17 law on any agency, institution, organization, or
18 other entity that is responsible for carrying out
19 a program to which the grant relates;

20 (B) correcting any deficiency in the oper-
21 ation of a program to which the grant relates,
22 as identified through an audit or another moni-
23 toring or evaluation procedure; and

24 (C) adopting written procedures for the re-
25 ceipt and resolution of complaints alleging a

1 violation of law with respect to a program to
2 which the grant relates;

3 (3) cooperate with respect to any evaluation—

4 (A) of any program that relates to a grant
5 awarded to the entity; and

6 (B) that is carried out by or for the Assist-
7 ant Secretary or another Federal official;

8 (4) use fiscal control and fund accounting pro-
9 cedures that ensure the proper disbursement of, and
10 accounting for, any Federal funds that the entity is
11 awarded under the Program;

12 (5) submit to the Assistant Secretary any re-
13 ports that may be necessary to enable the Assistant
14 Secretary to perform the duties of the Assistant Sec-
15 retary under the Program; and

16 (6) maintain any records and provide any infor-
17 mation to the Assistant Secretary, including those
18 records, that the Assistant Secretary determines is
19 necessary to enable the Assistant Secretary to per-
20 form the duties of the Assistant Secretary under the
21 Program.

22 (g) TERMINATION OF GRANT.—In addition to other
23 authority under applicable law, the Assistant Secretary
24 shall—

1 (1) terminate a grant awarded to an entity
2 under this section if, after notice to the entity and
3 opportunity for a hearing, the Assistant Secretary
4 determines, and presents to the entity a rationale
5 and supporting information that clearly dem-
6 onstrates, that—

7 (A) the grant funds are not being used in
8 a manner that is consistent with the application
9 with respect to the grant submitted by the enti-
10 ty under subsection (c);

11 (B) the entity is not upholding assurances
12 made by the entity to the Assistant Secretary
13 under subsection (f); or

14 (C) the grant is no longer necessary to
15 achieve the original purpose for which the As-
16 sistant Secretary awarded the grant; and

17 (2) with respect to any grant funds that the As-
18 sistant Secretary terminates under paragraph (1) or
19 under other authority under applicable law, competi-
20 tively award the grant funds to another applicant (if
21 such an applicant exists), consistent with the re-
22 quirements of this section.

23 (h) REPORTING AND INFORMATION REQUIREMENTS;
24 INTERNET DISCLOSURE.—The Assistant Secretary—

25 (1) shall—

1 (A) require any entity to which the Assist-
2 ant Secretary awards a grant under the Pro-
3 gram to, for each year during the period de-
4 scribed in clause (i) of subsection (d)(2)(D)
5 with respect to the grant and during the period
6 described in clause (ii) of such subsection with
7 respect to the grant if the entity continues to
8 measure and evaluate the activities supported
9 with the grant amounts during such period,
10 submit to the Assistant Secretary a report, in
11 a format specified by the Assistant Secretary,
12 regarding—

13 (i) the use by the entity of the grant
14 amounts; and

15 (ii) the progress of the entity towards
16 fulfilling the objectives for which the grant
17 was awarded;

18 (B) establish mechanisms to ensure appro-
19 priate use of, and compliance with respect to all
20 terms regarding, grant funds awarded under
21 the Program;

22 (C) create and maintain a fully searchable
23 database, which shall be accessible on the inter-
24 net at no cost to the public, that contains, at
25 a minimum—

1 (i) a list of each entity that has ap-
2 plied for a grant under the Program;

3 (ii) a description of each application
4 described in clause (i), including the pro-
5 posed purpose of each grant described in
6 that clause;

7 (iii) the status of each application de-
8 scribed in clause (i), including whether the
9 Assistant Secretary has awarded a grant
10 with respect to the application and, if so,
11 the amount of the grant;

12 (iv) each report submitted by an enti-
13 ty under subparagraph (A); and

14 (v) any other information that the As-
15 sistant Secretary considers appropriate to
16 ensure that the public has sufficient infor-
17 mation to understand and monitor grants
18 awarded under the Program; and

19 (D) ensure that any entity with respect to
20 which an award is terminated under subsection
21 (g) may, in a timely manner, appeal or other-
22 wise challenge that termination; and

23 (2) may establish additional reporting and in-
24 formation requirements for any recipient of a grant
25 under the Program.

1 (i) SUPPLEMENT NOT SUPPLANT.—A grant awarded
2 to an entity under the Program shall supplement, not sup-
3 plant, other Federal or State funds that have been made
4 available to the entity to carry out activities described in
5 this section.

6 (j) SET ASIDES.—From amounts made available in
7 a fiscal year to carry out the Program, the Assistant Sec-
8 retary shall reserve—

9 (1) not more than 5 percent for the implemen-
10 tation and administration of the Program, which
11 shall include—

12 (A) providing technical support and assist-
13 ance, including ensuring consistency in data re-
14 porting;

15 (B) providing assistance to entities to pre-
16 pare the applications of those entities with re-
17 spect to grants awarded under this section;

18 (C) developing the report required under
19 section 31123(a); and

20 (D) conducting outreach to entities that
21 may be eligible to be awarded a grant under the
22 Program regarding opportunities to apply for
23 such a grant; and

24 (2) not less than 5 percent to award grants di-
25 rectly to Indian Tribes, tribally designated entities,

1 and Native Hawaiian organizations to allow those
2 Tribes, entities, and organizations to carry out the
3 activities described in this section.

4 (k) RULES.—The Assistant Secretary may prescribe
5 such rules as may be necessary to carry out this section.

6 (l) APPROPRIATION.—There are appropriated to the
7 Assistant Secretary, out of any money in the Treasury not
8 otherwise appropriated, \$625,000,000 to carry out this
9 section for fiscal year 2021, to remain available until ex-
10 pended.

11 **SEC. 31123. POLICY RESEARCH, DATA COLLECTION, ANAL-**
12 **YSIS AND MODELING, EVALUATION, AND DIS-**
13 **SEMINATION.**

14 (a) REPORTING REQUIREMENTS.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date on which the Assistant Secretary begins
17 awarding grants under section 31121(d), and annu-
18 ally thereafter, the Assistant Secretary shall—

19 (A) submit to the appropriate committees
20 of Congress a report that documents, for the
21 year covered by the report—

22 (i) the findings of each evaluation
23 conducted under subparagraph (B);

1 (ii) a list of each grant awarded under
2 each covered program, which shall in-
3 clude—

4 (I) the amount of each such
5 grant;

6 (II) the recipient of each such
7 grant; and

8 (III) the purpose for which each
9 such grant was awarded;

10 (iii) any termination or modification
11 of a grant awarded under the covered pro-
12 grams, which shall include a description of
13 the subsequent usage of any funds to
14 which such an action applies; and

15 (iv) each challenge made by an appli-
16 cant for, or a recipient of, a grant under
17 the covered programs and the outcome of
18 each such challenge; and

19 (B) conduct evaluations of the activities
20 carried out under the covered programs, which
21 shall include an evaluation of—

22 (i) whether eligible States to which
23 grants are awarded under the program es-
24 tablished under section 31121 are—

1 (I) abiding by the assurances
2 made by those States under sub-
3 section (e) of that section;

4 (II) meeting, or have met, the
5 stated goals of the State Digital Eq-
6 uity Plans developed by the States
7 under subsection (c) of that section;

8 (III) satisfying the requirements
9 imposed by the Assistant Secretary on
10 those States under subsection (g) of
11 that section; and

12 (IV) in compliance with any
13 other rules, requirements, or regula-
14 tions promulgated by the Assistant
15 Secretary in implementing that pro-
16 gram; and

17 (ii) whether entities to which grants
18 are awarded under the program established
19 under section 31122 are—

20 (I) abiding by the assurances
21 made by those entities under sub-
22 section (f) of that section;

23 (II) meeting, or have met, the
24 stated goals of those entities with re-
25 spect to the use of the grant amounts;

1 (III) satisfying the requirements
2 imposed by the Assistant Secretary on
3 those entities under subsection (h) of
4 that section; and

5 (IV) in compliance with any
6 other rules, requirements, or regula-
7 tions promulgated by the Assistant
8 Secretary in implementing that pro-
9 gram.

10 (2) PUBLIC AVAILABILITY.—The Assistant Sec-
11 retary shall make each report submitted under para-
12 graph (1)(A) publicly available in an online format
13 that—

14 (A) facilitates access and ease of use;

15 (B) is searchable; and

16 (C) is accessible—

17 (i) to individuals with disabilities; and

18 (ii) in languages other than English.

19 (b) AUTHORITY TO CONTRACT AND ENTER INTO
20 OTHER ARRANGEMENTS.—The Assistant Secretary may
21 award grants and enter into contracts, cooperative agree-
22 ments, and other arrangements with Federal agencies,
23 public and private organizations, and other entities with
24 expertise that the Assistant Secretary determines appro-
25 priate in order to—

1 (1) evaluate the impact and efficacy of activities
2 supported by grants awarded under the covered pro-
3 grams; and

4 (2) develop, catalog, disseminate, and promote
5 the exchange of best practices, both with respect to
6 and independent of the covered programs, in order
7 to achieve digital equity.

8 (c) CONSULTATION AND PUBLIC ENGAGEMENT.—In
9 carrying out subsection (a), and to further the objectives
10 described in paragraphs (1) and (2) of subsection (b), the
11 Assistant Secretary shall conduct ongoing collaboration
12 and consult with—

13 (1) the Secretary of Agriculture;

14 (2) the Secretary of Housing and Urban Devel-
15 opment;

16 (3) the Secretary of Education;

17 (4) the Secretary of Labor;

18 (5) the Secretary of Health and Human Serv-
19 ices;

20 (6) the Secretary of Veterans Affairs;

21 (7) the Secretary of the Interior;

22 (8) the Assistant Secretary for Indian Affairs of
23 the Department of the Interior;

24 (9) the Commission;

25 (10) the Federal Trade Commission;

1 (11) the Director of the Institute of Museum
2 and Library Services;

3 (12) the Administrator of the Small Business
4 Administration;

5 (13) the Federal Cochairman of the Appa-
6 lachian Regional Commission;

7 (14) State agencies and governors of States (or
8 equivalent officials);

9 (15) entities serving as administering entities
10 for States under section 31121(b);

11 (16) national, State, Tribal, and local organiza-
12 tions that conduct digital inclusion activities, pro-
13 mote digital equity, or provide digital literacy serv-
14 ices;

15 (17) researchers, academics, and philanthropic
16 organizations; and

17 (18) other agencies, organizations (including
18 international organizations), entities (including enti-
19 ties with expertise in the fields of data collection,
20 analysis and modeling, and evaluation), and commu-
21 nity stakeholders, as determined appropriate by the
22 Assistant Secretary.

23 (d) TECHNICAL SUPPORT AND ASSISTANCE.—The
24 Assistant Secretary shall provide technical support and as-
25 sistance to potential applicants for the covered programs

1 and entities awarded grants under the covered programs,
2 to ensure consistency in data reporting and to meet the
3 objectives of this section.

4 **SEC. 31124. GENERAL PROVISIONS.**

5 (a) NONDISCRIMINATION.—

6 (1) IN GENERAL.—No individual in the United
7 States may, on the basis of actual or perceived race,
8 color, religion, national origin, sex, gender identity,
9 sexual orientation, age, or disability, be excluded
10 from participation in, be denied the benefits of, or
11 be subjected to discrimination under any program or
12 activity that is funded in whole or in part with funds
13 made available under this chapter.

14 (2) ENFORCEMENT.—The Assistant Secretary
15 shall effectuate paragraph (1) with respect to any
16 program or activity described in that paragraph by
17 issuing regulations and taking actions consistent
18 with section 602 of the Civil Rights Act of 1964 (42
19 U.S.C. 2000d–1).

20 (3) JUDICIAL REVIEW.—Judicial review of an
21 action taken by the Assistant Secretary under para-
22 graph (2) shall be available to the extent provided in
23 section 603 of the Civil Rights Act of 1964 (42
24 U.S.C. 2000d–2).

1 (b) TECHNOLOGICAL NEUTRALITY.—The Assistant
2 Secretary shall, to the extent practicable, carry out this
3 chapter in a technologically neutral manner.

4 (c) AUDIT AND OVERSIGHT.—There are appropriated
5 to the Office of Inspector General of the Department of
6 Commerce, out of any money in the Treasury not other-
7 wise appropriated, for audits and oversight of funds made
8 available to carry out this chapter, \$5,000,000 for fiscal
9 year 2021, to remain available until expended.

10 **CHAPTER 3—BROADBAND SERVICE FOR**
11 **LOW-INCOME CONSUMERS**

12 **SEC. 31141. ADDITIONAL BROADBAND BENEFIT.**

13 (a) PROMULGATION OF REGULATIONS REQUIRED.—
14 Not later than 180 days after the date of the enactment
15 of this Act, the Commission shall promulgate regulations
16 implementing this section.

17 (b) REQUIREMENTS.—The regulations promulgated
18 pursuant to subsection (a) shall establish the following:

19 (1) BROADBAND BENEFIT.—A provider shall
20 provide an eligible household with an internet service
21 offering, upon request by a member of such house-
22 hold. Such provider shall discount the price charged
23 to such household for such internet service offering
24 in an amount equal to the broadband benefit for
25 such household.

1 (2) VERIFICATION OF ELIGIBILITY.—To verify
2 whether a household is an eligible household, a pro-
3 vider shall either—

4 (A) use the National Lifeline Eligibility
5 Verifier; or

6 (B) rely upon an alternative verification
7 process of the provider, if the Commission finds
8 such process to be sufficient to avoid waste,
9 fraud, and abuse.

10 (3) USE OF NATIONAL LIFELINE ELIGIBILITY
11 VERIFIER.—The Commission shall—

12 (A) expedite the ability of all providers to
13 access the National Lifeline Eligibility Verifier
14 for purposes of determining whether a house-
15 hold is an eligible household; and

16 (B) ensure that the National Lifeline Eligi-
17 bility Verifier approves an eligible household to
18 receive the broadband benefit not later than ten
19 days after the date of the submission of infor-
20 mation necessary to determine if such house-
21 hold is an eligible household.

22 (4) REIMBURSEMENT.—From the Broadband
23 Connectivity Fund established in subsection (g), the
24 Commission shall reimburse a provider in an amount
25 equal to the broadband benefit with respect to an el-

1 eligible household that receives such benefit from such
2 provider.

3 (5) REIMBURSEMENT FOR CONNECTED DE-
4 VICE.—A provider that, in addition to providing the
5 broadband benefit to an eligible household, supplies
6 such household with a connected device may be re-
7 imbursement up to \$100 from the Broadband
8 Connectivity Fund established in subsection (g) for
9 such connected device, if the charge to such eligible
10 household is more than \$10 but less than \$50 for
11 such connected device, except that a provider may
12 receive reimbursement for no more than one con-
13 nected device per eligible household.

14 (6) CERTIFICATION REQUIRED.—To receive a
15 reimbursement under paragraph (4) or (5), a pro-
16 vider shall certify to the Commission the following:

17 (A) That the amount for which the pro-
18 vider is seeking reimbursement from the
19 Broadband Connectivity Fund for an internet
20 service offering to an eligible household is not
21 more than the normal rate.

22 (B) That each eligible household for which
23 the provider is seeking reimbursement for pro-
24 viding an internet service offering discounted by
25 the broadband benefit—

1 (i) has not been and will not be
2 charged—

3 (I) for such offering, if the nor-
4 mal rate for such offering is less than
5 or equal to the amount of the
6 broadband benefit for such household;
7 or

8 (II) more for such offering than
9 the difference between the normal rate
10 for such offering and the amount of
11 the broadband benefit for such house-
12 hold;

13 (ii) will not be required to pay an
14 early termination fee if such eligible house-
15 hold elects to enter into a contract to re-
16 ceive such internet service offering if such
17 household later terminates such contract;
18 and

19 (iii) was not subject to a mandatory
20 waiting period for such internet service of-
21 fering based on having previously received
22 broadband service from such provider.

23 (C) That each eligible household for which
24 the provider is seeking reimbursement for sup-
25 plying such household with a connected device

1 has not been and will not be charged \$10 or
2 less or \$50 or more for such device.

3 (D) A description of the process used by
4 the provider to verify that a household is an eli-
5 gible household, if the provider elects an alter-
6 native verification process under paragraph
7 (2)(B), and that such verification process was
8 designed to avoid waste, fraud, and abuse.

9 (7) AUDIT REQUIREMENTS.—The Commission
10 shall adopt audit requirements to ensure that pro-
11 viders are in compliance with the requirements of
12 this section and to prevent waste, fraud, and abuse
13 in the broadband benefit program established under
14 this section.

15 (c) ELIGIBLE PROVIDERS.—Notwithstanding sub-
16 section (e) of this section, the Commission shall provide
17 a reimbursement to a provider under this section without
18 requiring such provider to be designated as an eligible tele-
19 communications carrier under section 214(e) of the Com-
20 munications Act of 1934 (47 U.S.C. 214(e)).

21 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall affect the collection, distribution, or administra-
23 tion of the Lifeline Assistance Program governed by the
24 rules set forth in subpart E of part 54 of title 47, Code
25 of Federal Regulations (or any successor regulation).

1 (e) PART 54 REGULATIONS.—Nothing in this section
2 shall be construed to prevent the Commission from pro-
3 viding that the regulations in part 54 of title 47, Code
4 of Federal Regulations (or any successor regulation), shall
5 apply in whole or in part to support provided under the
6 regulations required by subsection (a), shall not apply in
7 whole or in part to such support, or shall be modified in
8 whole or in part for purposes of application to such sup-
9 port.

10 (f) ENFORCEMENT.—A violation of this section or a
11 regulation promulgated under this section, including the
12 knowing or reckless denial of an internet service offering
13 discounted by the broadband benefit to an eligible house-
14 hold that requests such an offering, shall be treated as
15 a violation of the Communications Act of 1934 (47 U.S.C.
16 151 et seq.) or a regulation promulgated under such Act.
17 The Commission shall enforce this section and the regula-
18 tions promulgated under this section in the same manner,
19 by the same means, and with the same jurisdiction, pow-
20 ers, and duties as though all applicable terms and provi-
21 sions of the Communications Act of 1934 were incor-
22 porated into and made a part of this section.

23 (g) BROADBAND CONNECTIVITY FUND.—

1 (1) ESTABLISHMENT.—There is established in
2 the Treasury of the United States a fund to be
3 known as the Broadband Connectivity Fund.

4 (2) APPROPRIATION.—There are appropriated
5 to the Broadband Connectivity Fund, out of any
6 money in the Treasury not otherwise appropriated,
7 \$9,000,000,000 for fiscal year 2021, to remain
8 available until expended.

9 (3) USE OF FUNDS.—Amounts in the
10 Broadband Connectivity Fund shall be available to
11 the Commission for reimbursements to providers
12 under the regulations required by subsection (a).

13 (4) RELATIONSHIP TO UNIVERSAL SERVICE
14 CONTRIBUTIONS.—Reimbursements provided under
15 the regulations required by subsection (a) shall be
16 provided from amounts made available under this
17 subsection and not from contributions under section
18 254(d) of the Communications Act of 1934 (47
19 U.S.C. 254(d)), except the Commission may use
20 such contributions if needed to offset expenses asso-
21 ciated with the reliance on the National Lifeline Eli-
22 gibility Verifier to determine eligibility of households
23 to receive the broadband benefit.

24 (5) LACK OF AVAILABILITY OF FUNDS.—The
25 regulations required by subsection (a) shall provide

1 that a provider is not required to provide an eligible
2 household with an internet service offering under
3 subsection (b)(1) for any month for which there are
4 insufficient amounts in the Broadband Connectivity
5 Fund to reimburse the provider under subsection
6 (b)(4) for providing the broadband benefit to such
7 eligible household.

8 (h) DEFINITIONS.—In this section:

9 (1) BROADBAND BENEFIT.—The term
10 “broadband benefit” means a monthly discount for
11 an eligible household applied to the normal rate for
12 an internet service offering, in an amount equal to
13 such rate, but not more than \$50, or, if an internet
14 service offering is provided to an eligible household
15 on Tribal land, not more than \$75.

16 (2) CONNECTED DEVICE.—The term “con-
17 nected device” means a laptop or desktop computer
18 or a tablet.

19 (3) ELIGIBLE HOUSEHOLD.—The term “eligible
20 household” means, regardless of whether the house-
21 hold or any member of the household receives sup-
22 port under subpart E of part 54 of title 47, Code
23 of Federal Regulations (or any successor regulation),
24 and regardless of whether any member of the house-

1 hold has any past or present arrearages with a pro-
2 vider, a household in which—

3 (A) at least one member of the household
4 meets the qualifications in subsection (a) or (b)
5 of section 54.409 of title 47, Code of Federal
6 Regulations (or any successor regulation);

7 (B) at least one member of the household
8 has applied for and been approved to receive
9 benefits under the free and reduced price lunch
10 program under the Richard B. Russell National
11 School Lunch Act (42 U.S.C. 1751 et seq.) or
12 the school breakfast program under section 4 of
13 the Child Nutrition Act of 1966 (42 U.S.C.
14 1773); or

15 (C) at least one member of the household
16 has experienced a substantial loss of income for
17 at least the two consecutive months immediately
18 preceding the month for which eligibility for the
19 broadband benefit is being determined, docu-
20 mented by layoff or furlough notice, application
21 for unemployment insurance benefits, or similar
22 documentation.

23 (4) INTERNET SERVICE OFFERING.—The term
24 “internet service offering” means, with respect to a
25 provider, broadband service provided by such pro-

1 vider to a household, offered in the same manner,
2 and on the same terms, as described in any of such
3 provider’s advertisements for broadband service to
4 such household, on May 1, 2020 (or such later date
5 as the Commission may by rule determine, if the
6 Commission considers it necessary).

7 (5) NORMAL RATE.—The term “normal rate”
8 means, with respect to an internet service offering
9 by a provider, the advertised monthly retail rate, on
10 May 1, 2020 (or such later date as the Commission
11 may by rule determine, if the Commission considers
12 it necessary), including any applicable promotions
13 and excluding any taxes or other governmental fees.

14 (6) PROVIDER.—The term “provider” means a
15 provider of broadband service.

16 **SEC. 31142. GRANTS TO STATES TO STRENGTHEN NA-**
17 **TIONAL LIFELINE ELIGIBILITY VERIFIER.**

18 (a) IN GENERAL.—From amounts appropriated
19 under subsection (d), the Commission shall, not later than
20 30 days after the date of the enactment of this Act, make
21 a grant to each State, in an amount in proportion to the
22 population of such State, for the purpose of connecting
23 the database used by such State for purposes of the sup-
24 plemental nutrition assistance program under the Food
25 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the

1 National Lifeline Eligibility Verifier, so that the receipt
2 by a household of benefits under such program is reflected
3 in the National Lifeline Eligibility Verifier.

4 (b) DISBURSEMENT OF GRANT FUNDS.—Funds
5 under each grant made under subsection (a) shall be dis-
6 bursed to the State receiving such grant not later than
7 60 days after the date of the enactment of this Act.

8 (c) CERTIFICATION TO CONGRESS.—Not later than
9 90 days after the date of the enactment of this Act, the
10 Commission shall certify to the Committee on Energy and
11 Commerce of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate that the grants required by subsection (a) have
14 been made and that funds have been disbursed as required
15 by subsection (b).

16 (d) APPROPRIATION.—There are appropriated to the
17 Commission, out of any money in the Treasury not other-
18 wise appropriated, \$200,000,000 to carry out this section
19 for fiscal year 2021, to remain available until expended.

20 **SEC. 31143. FEDERAL COORDINATION BETWEEN LIFELINE**
21 **AND SNAP VERIFICATION.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Commission shall,
24 in coordination with the Secretary of Agriculture, establish
25 an automated connection between the National Lifeline

1 Eligibility Verifier and the National Accuracy Clearing-
2 house established under section 11(x) of the Food and Nu-
3 trition Act of 2008 (7 U.S.C. 2020(x)) for the supple-
4 mental nutrition assistance program.

5 (b) DEFINITION.—In this section, the term “auto-
6 mated connection” means a connection between two or
7 more information systems where the manual input of in-
8 formation in one system leads to the automatic input of
9 the same information any other connected system.

10 **CHAPTER 4—E-RATE SUPPORT FOR WI-FI**
11 **HOTSPOTS, OTHER EQUIPMENT, AND**
12 **CONNECTED DEVICES**

13 **SEC. 31161. E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER**
14 **EQUIPMENT, AND CONNECTED DEVICES.**

15 (a) REGULATIONS REQUIRED.—Not later than 180
16 days after the date of the enactment of this Act, the Com-
17 mission shall promulgate regulations providing for the
18 provision, from amounts made available from the
19 Connectivity Fund established under subsection (h)(1), of
20 support under section 254(h)(1)(B) of the Communica-
21 tions Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an elemen-
22 tary school, secondary school, or library (including a Trib-
23 al elementary school, Tribal secondary school, or Tribal
24 library) eligible for support under such section, for the
25 purchase of equipment described in subsection (c), ad-

1 vanced telecommunications and information services, or
2 equipment described in such subsection and advanced tele-
3 communications and information services, for use by—

4 (1) in the case of a school, students and staff
5 of such school at locations that include locations
6 other than such school; and

7 (2) in the case of a library, patrons of such li-
8 brary at locations that include locations other than
9 such library.

10 (b) TRIBAL ISSUES.—

11 (1) SET ASIDE FOR TRIBAL LANDS.—The Com-
12 mission shall reserve not less than 5 percent of the
13 amounts available to the Commission under sub-
14 section (h)(3) to provide support under the regula-
15 tions required by subsection (a) to schools and li-
16 braries that serve persons who are located on Tribal
17 lands.

18 (2) ELIGIBILITY OF TRIBAL LIBRARIES.—For
19 purposes of determining the eligibility of a Tribal li-
20 brary for support under the regulations required by
21 subsection (a), the portion of paragraph (4) of sec-
22 tion 254(h) of the Communications Act of 1934 (47
23 U.S.C. 254(h)) relating to eligibility for assistance
24 from a State library administrative agency under the
25 Library Services and Technology Act shall not apply.

1 (c) EQUIPMENT DESCRIBED.—The equipment de-
2 scribed in this subsection is the following:

3 (1) Wi-Fi hotspots.

4 (2) Modems.

5 (3) Routers.

6 (4) Devices that combine a modem and router.

7 (5) Connected devices.

8 (d) PRIORITIZATION OF SUPPORT.—The Commission
9 shall provide in the regulations required by subsection (a)
10 for a mechanism to require a school or library to prioritize
11 the provision of equipment described in subsection (c), ad-
12 vanced telecommunications and information services, or
13 equipment described in such subsection and advanced tele-
14 communications and information services, for which sup-
15 port is received under such regulations, to students and
16 staff or patrons (as the case may be) that the school or
17 library believes do not have access to equipment described
18 in subsection (c), do not have access to advanced tele-
19 communications and information services, or have access
20 to neither equipment described in subsection (c) nor ad-
21 vanced telecommunications and information services, at
22 the residences of such students and staff or patrons.

23 (e) PERMISSIBLE USES OF EQUIPMENT.—The Com-
24 mission shall provide in the regulations required by sub-
25 section (a) that, in the case of a school or library that

1 purchases equipment described in subsection (c) using
2 support received under such regulations, such school or
3 library—

4 (1) may use such equipment for such purposes
5 as such school or library considers appropriate, sub-
6 ject to any restrictions provided in such regulations
7 (or any successor regulation); and

8 (2) may not sell or otherwise transfer such
9 equipment in exchange for any thing (including a
10 service) of value, except that such school or library
11 may exchange such equipment for upgraded equip-
12 ment of the same type.

13 (f) **RULE OF CONSTRUCTION.**—Nothing in this sec-
14 tion shall be construed to affect any authority the Com-
15 mission may have under section 254(h)(1)(B) of the Com-
16 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to
17 allow support under such section to be used for the pur-
18 poses described in subsection (a) other than as required
19 by such subsection.

20 (g) **PART 54 REGULATIONS.**—Nothing in this section
21 shall be construed to prevent the Commission from pro-
22 viding that the regulations in part 54 of title 47, Code
23 of Federal Regulations (or any successor regulation), shall
24 apply in whole or in part to support provided under the
25 regulations required by subsection (a), shall not apply in

1 whole or in part to such support, or shall be modified in
2 whole or in part for purposes of application to such sup-
3 port.

4 (h) CONNECTIVITY FUND.—

5 (1) ESTABLISHMENT.—There is established in
6 the Treasury of the United States a fund to be
7 known as the Connectivity Fund.

8 (2) APPROPRIATION.—There are appropriated
9 to the Connectivity Fund, out of any money in the
10 Treasury not otherwise appropriated,
11 \$5,000,000,000 for fiscal year 2021, to remain
12 available until expended.

13 (3) USE OF FUNDS.—Amounts in the
14 Connectivity Fund shall be available to the Commis-
15 sion to provide support under the regulations re-
16 quired by subsection (a).

17 (4) RELATIONSHIP TO UNIVERSAL SERVICE
18 CONTRIBUTIONS.—Support provided under the regu-
19 lations required by subsection (a) shall be provided
20 from amounts made available under paragraph (3)
21 and not from contributions under section 254(d) of
22 the Communications Act of 1934 (47 U.S.C.
23 254(d)).

24 (i) DEFINITIONS.—In this section:

1 (1) ADVANCED TELECOMMUNICATIONS AND IN-
2 FORMATION SERVICES.—The term “advanced tele-
3 communications and information services” means
4 advanced telecommunications and information serv-
5 ices, as such term is used in section 254(h) of the
6 Communications Act of 1934 (47 U.S.C. 254(h)).

7 (2) CONNECTED DEVICE.—The term “con-
8 nected device” means a laptop computer, tablet com-
9 puter, or similar device that is capable of connecting
10 to advanced telecommunications and information
11 services.

12 (3) LIBRARY.—The term “library” includes a
13 library consortium.

14 (4) TRIBAL LAND.—The term “Tribal land”
15 means—

16 (A) any land located within the boundaries
17 of—

18 (i) an Indian reservation, pueblo, or
19 rancheria; or

20 (ii) a former reservation within Okla-
21 homa;

22 (B) any land not located within the bound-
23 aries of an Indian reservation, pueblo, or
24 rancheria, the title to which is held—

1 (i) in trust by the United States for
2 the benefit of an Indian Tribe or an indi-
3 vidual Indian;

4 (ii) by an Indian Tribe or an indi-
5 vidual Indian, subject to restriction against
6 alienation under laws of the United States;

7 or

8 (iii) by a dependent Indian commu-
9 nity;

10 (C) any land located within a region estab-
11 lished pursuant to section 7(a) of the Alaska
12 Native Claims Settlement Act (43 U.S.C.
13 1606(a));

14 (D) Hawaiian Home Lands, as defined in
15 section 801 of the Native American Housing
16 Assistance and Self-Determination Act of 1996
17 (25 U.S.C. 4221); or

18 (E) those areas or communities designated
19 by the Assistant Secretary of Indian Affairs of
20 the Department of the Interior that are near,
21 adjacent, or contiguous to reservations where fi-
22 nancial assistance and social service programs
23 are provided to Indians because of their status
24 as Indians.

1 (5) WI-FI.—The term “Wi-Fi” means a wire-
2 less networking protocol based on Institute of Elec-
3 trical and Electronics Engineers standard 802.11
4 (or any successor standard).

5 (6) WI-FI HOTSPOT.—The term “Wi-Fi
6 hotspot” means a device that is capable of—

7 (A) receiving mobile advanced tele-
8 communications and information services; and

9 (B) sharing such services with another de-
10 vice through the use of Wi-Fi.

11 **Subtitle B—Broadband** 12 **Transparency**

13 **SEC. 31201. DEFINITIONS.**

14 In this subtitle:

15 (1) BROADBAND INTERNET ACCESS SERVICE.—

16 The term “broadband internet access service” has
17 the meaning given the term in section 8.1(b) of title
18 47, Code of Federal Regulations, or any successor
19 regulation.

20 (2) FIXED WIRELESS BROADBAND.—The term

21 “fixed wireless broadband” means broadband inter-
22 net access service that serves end users primarily at
23 fixed endpoints through stationary equipment con-
24 nected by the use of radio, such as by the use of un-
25 licensed spectrum.

1 (3) MOBILE BROADBAND.—The term “mobile
2 broadband”—

3 (A) means broadband internet access serv-
4 ice that serves end users primarily using mobile
5 stations;

6 (B) includes services that use smartphones
7 or mobile network-enabled tablets as the pri-
8 mary endpoints for connection to the internet;
9 and

10 (C) includes mobile satellite broadband
11 internet access services.

12 (4) PROVIDER.—The term “provider” means a
13 provider of fixed or mobile broadband internet access
14 service.

15 (5) SATELLITE BROADBAND.—The term “sat-
16 ellite broadband” means broadband internet access
17 service that serves end users primarily at fixed
18 endpoints through stationary equipment connected
19 by the use of orbital satellites.

20 (6) TERRESTRIAL FIXED BROADBAND.—The
21 term “terrestrial fixed broadband” means broadband
22 internet access service that serves end users pri-
23 marily at fixed endpoints through stationary equip-
24 ment connected by wired technology such as cable,
25 DSL, and fiber.

1 **SEC. 31202. BROADBAND TRANSPARENCY.**

2 (a) RULES.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of the enactment of this Act, the Commis-
5 sion shall issue final rules that include a require-
6 ment for the annual collection by the Commission of
7 data relating to the price and subscription rates of
8 terrestrial fixed broadband, fixed wireless
9 broadband, satellite broadband, and mobile
10 broadband.

11 (2) UPDATES.—Not later than 90 days after
12 the date on which rules are issued under paragraph
13 (1), and when determined to be necessary by the
14 Commission thereafter, the Commission shall revise
15 such rules to verify the accuracy of data submitted
16 pursuant to such rules.

17 (3) REDUNDANCY AVOIDANCE.—Nothing in this
18 section shall be construed to require the Commis-
19 sion, in order to meet a requirement of this section,
20 to duplicate an activity that the Commission is un-
21 dertaking as of the date of the enactment of this
22 Act, if the Commission refers to such activity in the
23 rules issued under paragraph (1), such activity
24 meets the requirements of this section, and the Com-
25 mission discloses such activity to the public.

1 (b) CONTENT OF RULES.—The rules issued by the
2 Commission under subsection (a)(1) shall require the
3 Commission to collect from each provider of terrestrial
4 fixed broadband, fixed wireless broadband, mobile
5 broadband, or satellite broadband, data that includes—

6 (1) either the weighted average of the monthly
7 prices charged to subscribed households within each
8 census block for each distinct broadband internet ac-
9 cess service plan or tier of standalone broadband
10 internet access service, including mandatory equip-
11 ment charges, usage-based fees, and fees for early
12 termination of required contracts, or the monthly
13 price charged to each subscribed household, includ-
14 ing such charges and fees;

15 (2) either the mean monthly price within the
16 duration of subscription contracts offered within
17 each census block for each distinct broadband inter-
18 net access service plan or tier of standalone
19 broadband internet access service, including manda-
20 tory equipment charges, usage-based fees, and fees
21 for early termination of required contracts, or the
22 mean monthly price within the duration of subscrip-
23 tion contracts offered to each household, including
24 such charges and fees;

1 (3) either the subscription rate within each cen-
2 sus block for each distinct broadband internet access
3 service plan or tier of standalone broadband internet
4 access service, or information regarding the sub-
5 scription status of each household to which a sub-
6 scription is offered;

7 (4) data necessary to demonstrate the actual
8 price paid by subscribers of broadband internet ac-
9 cess service at each tier for such service in a manner
10 that—

11 (A) takes into account any discounts (or
12 similar price concessions); and

13 (B) identifies any additional taxes and fees
14 (including for the use of equipment related to
15 the use of a subscription for such service), any
16 monthly data usage limitation at the stated
17 price, and the extent to which the price of the
18 service reflects inclusion within a product bun-
19 dle; and

20 (5) data necessary to assess the resiliency of
21 the broadband internet access service network in the
22 event of a natural disaster or emergency.

23 (c) TECHNICAL ASSISTANCE.—The Commission shall
24 provide technical assistance to small providers (as defined
25 by the Commission) of broadband internet access service,

1 to ensure such providers can fulfill the requirements of
2 this section.

3 **SEC. 31203. DISTRIBUTION OF DATA.**

4 (a) AVAILABILITY OF DATA.—Subject to subsection
5 (b), the Commission shall make all data relating to
6 broadband internet access service collected under rules re-
7 quired by this subtitle available in a commonly used elec-
8 tronic format to—

9 (1) other Federal agencies, including the Na-
10 tional Telecommunications and Information Admin-
11 istration, to assist that agency in conducting the
12 study required by section 31102(e);

13 (2) a broadband office, public utility commis-
14 sion, broadband mapping program, or other
15 broadband program of a State, in the case of data
16 pertaining to the needs of that State;

17 (3) a unit of local government, in the case of
18 data pertaining to the needs of that locality; and

19 (4) an individual or organization conducting re-
20 search for noncommercial purposes or public interest
21 purposes.

22 (b) PROTECTION OF DATA.—

23 (1) IN GENERAL.—The Commission may not
24 share any data described in subsection (a) with an
25 entity or individual described in that subsection un-

1 less the Commission has determined that the receiv-
2 ing entity or individual has the capability and intent
3 to protect any personally identifiable information
4 contained in the data.

5 (2) DETERMINATION OF PERSONALLY IDENTIFI-
6 FIABLE INFORMATION.—The Commission—

7 (A) shall define the term “personally iden-
8 tifiable information”, for purposes of paragraph
9 (1), through notice and comment rulemaking;
10 and

11 (B) may not share any data under sub-
12 section (a) before completing the rulemaking
13 under subparagraph (A).

14 (c) BALANCING ACCESS AND PROTECTION.—If the
15 Commission is unable to determine under subsection
16 (b)(1) that an entity or individual requesting access to
17 data under subsection (a) has the capability to protect per-
18 sonally identifiable information contained in the data, the
19 Commission shall make as much of the data available as
20 possible in a format that does not compromise personally
21 identifiable information, through methods such as
22 anonymization.

1 **SEC. 31204. COORDINATION WITH CERTAIN OTHER FED-**
2 **ERAL AGENCIES.**

3 Section 804(b)(2) of the Communications Act of
4 1934 (47 U.S.C. 644(b)(2)), as added by the Broadband
5 DATA Act (Public Law 116–130), is amended—

6 (1) in subparagraph (A)(ii), by striking the
7 semicolon at the end and inserting “; and”;

8 (2) by amending subparagraph (B) to read as
9 follows:

10 “(B) coordinate with the Postmaster Gen-
11 eral, the heads of other Federal agencies that
12 operate delivery fleet vehicles, and the Director
13 of the Bureau of the Census for assistance with
14 data collection whenever coordination could fea-
15 sibly yield more specific geographic data.”; and
16 (3) by striking subparagraph (C).

17 **SEC. 31205. BROADBAND CONSUMER LABELS.**

18 (a) **RULES.**—Not later than 1 year after the date of
19 the enactment of this Act, the Commission shall issue final
20 rules to promote and incentivize widespread adoption of
21 the broadband consumer labels referred to in the Public
22 Notice of the Commission released on April 4, 2016 (DA
23 16–357).

24 (b) **HEARINGS.**—The Commission shall conduct a se-
25 ries of public hearings in the rulemaking proceeding re-
26 quired by subsection (a) to assess how consumers cur-

1 rently evaluate internet service plans and whether existing
2 disclosures are available, effective, and sufficient.

3 **SEC. 31206. APPROPRIATION FOR BROADBAND DATA ACT.**

4 There are appropriated to the Commission, out of any
5 money in the Treasury not otherwise appropriated,
6 \$24,000,000 to carry out title VIII of the Communications
7 Act of 1934 (47 U.S.C. 641 et seq.), as added by the
8 Broadband DATA Act (Public Law 116–130), for fiscal
9 year 2021, to remain available until expended.

10 **Subtitle C—Broadband Access**

11 **CHAPTER 1—EXPANSION OF BROADBAND**

12 **ACCESS**

13 **SEC. 31301. EXPANSION OF BROADBAND ACCESS IN**
14 **UNSERVED AREAS AND AREAS WITH LOW-**
15 **TIER OR MID-TIER SERVICE.**

16 Title VII of the Communications Act of 1934 (47
17 U.S.C. 601 et seq.) is amended by adding at the end the
18 following new section:

19 **“SEC. 723. EXPANSION OF BROADBAND ACCESS IN**
20 **UNSERVED AREAS AND AREAS WITH LOW-**
21 **TIER OR MID-TIER SERVICE.**

22 “(a) PROGRAM ESTABLISHED.—Not later than 180
23 days after the date of the enactment of this section, the
24 Commission, in consultation with the Assistant Secretary,
25 shall establish a program to expand access to broadband

1 service for unserved areas, areas with low-tier service,
2 areas with mid-tier service, and unserved anchor institu-
3 tions in accordance with the requirements of this section
4 that—

5 “(1) is separate from any universal service pro-
6 gram established pursuant to section 254; and

7 “(2) does not require funding recipients to be
8 designated as eligible telecommunications carriers
9 under section 214(e).

10 “(b) USE OF PROGRAM FUNDS.—

11 “(1) EXPANDING ACCESS TO BROADBAND SERV-
12 ICE THROUGH NATIONAL SYSTEM OF COMPETITIVE
13 BIDDING.—Not later than 18 months after the date
14 of the enactment of this section, the Commission
15 shall award 75 percent of the amounts appropriated
16 under subsection (g) through national systems of
17 competitive bidding to funding recipients only to ex-
18 pand access to broadband service in unserved areas
19 and areas with low-tier service.

20 “(2) EXPANDING ACCESS TO BROADBAND SERV-
21 ICE THROUGH STATES.—

22 “(A) DISTRIBUTION OF FUNDS TO
23 STATES.—Not later than 255 days after the
24 date of the enactment of this section, the Com-
25 mission shall distribute 25 percent of the

1 amounts appropriated under subsection (g)
2 among the States, in direct proportion to the
3 population of each State.

4 “(B) PUBLIC NOTICE.—Not later than 195
5 days after the date of the enactment of this sec-
6 tion, the Commission shall issue a public notice
7 informing each State and the public of the
8 amounts to be distributed under this para-
9 graph. The notice shall include—

10 “(i) the manner in which a State shall
11 inform the Commission of that State’s ac-
12 ceptance or acceptance in part of the
13 amounts to be distributed under this para-
14 graph;

15 “(ii) the date (which is 30 days after
16 the date on which the public notice is
17 issued) by which such acceptance or ac-
18 ceptance in part is due; and

19 “(iii) the requirements as set forth
20 under this section and as may be further
21 prescribed by the Commission.

22 “(C) ACCEPTANCE BY STATES.—Not later
23 than 30 days after the date on which a public
24 notice is issued under subparagraph (B), each
25 State accepting amounts to be distributed

1 under this paragraph shall inform the Commis-
2 sion of the acceptance or acceptance in part by
3 the State of the amounts to be distributed
4 under this paragraph in the manner described
5 by the Commission in the public notice.

6 “(D) REQUIREMENTS FOR STATE RECEIPT
7 OF AMOUNTS DISTRIBUTED.—Each State ac-
8 cepting amounts distributed under this para-
9 graph—

10 “(i) shall only award such amounts
11 through statewide systems of competitive
12 bidding, in the manner prescribed by the
13 State but subject to the requirements as
14 set forth under this section and as may be
15 further prescribed by the Commission;

16 “(ii) shall make such awards only—

17 “(I) to funding recipients to ex-
18 pand access to broadband service in
19 unserved areas and areas with low-tier
20 service;

21 “(II) to funding recipients to ex-
22 pand access to broadband service to
23 unserved anchor institutions; or

24 “(III) to funding recipients to ex-
25 pand access to broadband service in

1 areas with mid-tier service, but only if
2 a State does not have, or no longer
3 has, any unserved areas or areas with
4 low-tier service;

5 “(iii) shall conduct separate systems
6 of competitive bidding for awards made to
7 unserved anchor institutions under clause
8 (ii)(II), if a State awards any amounts dis-
9 tributed under this paragraph to unserved
10 anchor institutions;

11 “(iv) shall return any unused portion
12 of amounts distributed under this para-
13 graph to the Commission within 10 years
14 after the date of the enactment of this sec-
15 tion and shall submit a certification to the
16 Commission before receiving such amounts
17 that the State will return such amounts;
18 and

19 “(v) may not use more than 5 percent
20 of the amounts distributed under this
21 paragraph to administer a system or sys-
22 tems of competitive bidding authorized by
23 this paragraph.

24 “(3) COORDINATION OF FEDERAL AND STATE
25 FUNDING.—The Commission, in consultation with

1 the Office of Internet Connectivity and Growth, shall
2 establish processes through the rulemaking under
3 subsection (e) to—

4 “(A) enable States to conduct statewide
5 systems of competitive bidding as part of, or in
6 coordination with, national systems of competi-
7 tive bidding;

8 “(B) assist States in conducting statewide
9 systems of competitive bidding;

10 “(C) ensure that program funds awarded
11 by the Commission and program funds awarded
12 by the States are not used in the same areas;
13 and

14 “(D) ensure that program funds and funds
15 awarded through other Federal programs to ex-
16 pand broadband service with a download speed
17 of at least 100 megabits per second, an upload
18 speed of at least 100 megabits per second, and
19 a latency that is sufficiently low to allow real-
20 time, interactive applications, are not used in
21 the same areas.

22 “(c) PROGRAM REQUIREMENTS.—

23 “(1) TECHNOLOGY NEUTRALITY REQUIRED.—
24 The entity administering a system of competitive
25 bidding (either a State or the Commission) in mak-

1 ing awards may not favor a project using any par-
2 ticular technology.

3 “(2) GIGABIT PERFORMANCE FUNDING.—The
4 Commission shall reserve 20 percent of the amounts
5 to be awarded by the Commission under subsection
6 (b)(1), and each State shall reserve 20 percent of
7 the amounts distributed to such State under sub-
8 section (b)(2), for bidders committing (with respect
9 to any particular project by such a bidder) to offer,
10 not later than the date that is 5 years after the date
11 on which funding is provided under this section for
12 such project, broadband service with a download
13 speed of at least 1 gigabit per second and an upload
14 speed of at least 1 gigabit per second or, in the case
15 of a project to provide broadband service to an
16 unserved anchor institution, broadband service with
17 a download speed of at least 10 gigabits per second
18 per 1,000 users and an upload speed of at least 10
19 gigabits per second per 1,000 users.

20 “(3) SYSTEM OF COMPETITIVE BIDDING PROC-
21 ESS.—The entity administering a system of competi-
22 tive bidding (either a State or the Commission) shall
23 structure the system of competitive bidding process
24 to—

1 “(A) first hold a system of competitive bid-
2 ding only for bidders committing (with respect
3 to any particular project by such a bidder) to
4 offer, not later than the date that is 5 years
5 after the date on which funding is provided
6 under this section for such project, broadband
7 service with a download speed of at least 1 gig-
8 abit per second and an upload speed of at least
9 1 gigabit per second or, in the case of a project
10 to provide broadband service to an unserved an-
11 chor institution, broadband service with a
12 download speed of at least 10 gigabits per sec-
13 ond per 1,000 users and an upload speed of at
14 least 10 gigabits per second per 1,000 users;
15 and

16 “(B) after holding the system of competi-
17 tive bidding required by subparagraph (A), hold
18 one or more systems of competitive bidding, in
19 areas not receiving awards under subparagraph
20 (A), to award funds for projects in areas that
21 are estimated to remain unserved areas, areas
22 with low-tier service, or (to the extent permitted
23 under this section) areas with mid-tier service,
24 or (to the extent permitted under this section)
25 for projects to offer broadband service to an-

1 chor institutions that are estimated to remain
2 unserved anchor institutions, after the comple-
3 tion of the projects for which funding is award-
4 ed under the system of competitive bidding re-
5 quired by subparagraph (A) or any previous
6 system of competitive bidding under this sub-
7 paragraph.

8 “(4) FUNDS PRIORITY PREFERENCE.—There
9 shall be a preference, as determined by the entity
10 administering a system of competitive bidding (ei-
11 ther a State or the Commission), which shall take
12 priority over any preference under paragraph (5),
13 for bidders in such system of competitive bidding
14 proposing projects that would expand access to
15 broadband service in areas where at least 90 percent
16 of the population has no access to broadband service
17 or does not have access to broadband service of-
18 fered—

19 “(A) with a download speed of at least 25
20 megabits per second; and

21 “(B) with an upload speed of at least 3
22 megabits per second.

23 “(5) FUNDS PREFERENCE.—There shall be a
24 preference, as determined by the entity admin-
25 istering a system of competitive bidding (either a

1 State or the Commission), for bidders in such sys-
2 tem of competitive bidding proposing projects—

3 “(A) with at least 20 percent matching
4 funds from non-Federal sources;

5 “(B) that would expand access to
6 broadband service on Tribal lands, as defined
7 by the Commission;

8 “(C) that would provide broadband service
9 with higher speeds than those specified in sub-
10 section (d)(2), except in the case of funds
11 awarded under subparagraph (A) of paragraph
12 (3);

13 “(D) that would expand access to
14 broadband service in advance of the time speci-
15 fied in subsection (e)(5), except in the case of
16 funds awarded under subparagraph (A) of
17 paragraph (3);

18 “(E) that would expand access to
19 broadband service to persistent poverty counties
20 or high-poverty areas at subsidized rates;

21 “(F) that, at least until the date that is 10
22 years after the date of the enactment of this
23 section, would provide broadband service with
24 comparable speeds to those provided in areas
25 that, on the day before such date of enactment,

1 were not unserved areas, areas with low-tier
2 service, or areas with mid-tier service, with
3 minimal future investment;

4 “(G) that would provide broadband service
5 consistent with consumer preferences based on
6 data and analysis conducted by the Commis-
7 sion; and

8 “(H) that would provide for the deploy-
9 ment of open-access broadband service net-
10 works.

11 “(6) UNSERVED AREAS AND AREAS WITH LOW-
12 TIER OR MID-TIER SERVICE.—In determining wheth-
13 er an area is an unserved area, an area with low-
14 tier service, or an area with mid-tier service or
15 whether an anchor institution is an unserved anchor
16 institution for any system of competitive bidding au-
17 thorized under this section, the Commission shall
18 implement the following requirements through the
19 rulemaking described in subsection (e):

20 “(A) DATA FOR INITIAL DETERMINA-
21 TION.—To make an initial determination as to
22 whether an area is an unserved area, an area
23 with low-tier service, or an area with mid-tier
24 service or whether an anchor institution is an

1 unserved anchor institution, the Commission
2 shall—

3 “(i) use the most accurate and granu-
4 lar data on the map created by the Com-
5 mission under section 802(c)(1)(B);

6 “(ii) refine the data described in
7 clause (i) by using—

8 “(I) other data on access to
9 broadband service obtained or pur-
10 chased by the Commission;

11 “(II) other publicly available data
12 or information on access to broadband
13 service; and

14 “(III) other publicly available
15 data or information on State
16 broadband service deployment pro-
17 grams; and

18 “(iii) not determine an area is not an
19 unserved area, an area with low-tier serv-
20 ice, or an area with mid-tier service on the
21 basis that one location within such area
22 does not meet the definition of an unserved
23 area, an area with low-tier service, or an
24 area with mid-tier service.

1 “(B) INITIAL DETERMINATION.—The
2 Commission shall make an initial determination
3 of the areas that are unserved areas, areas with
4 low-tier service, and areas with mid-tier service
5 and which anchor institutions are unserved an-
6 chor institutions not later than 270 days after
7 the date of the enactment of this section.

8 “(C) CHALLENGE OF DETERMINATION.—

9 “(i) IN GENERAL.—The Commission
10 shall provide for a process for challenging
11 any initial determination regarding wheth-
12 er an area is an unserved area, an area
13 with low-tier service, or an area with mid-
14 tier service or whether an anchor institu-
15 tion is an unserved anchor institution that,
16 at a minimum, provides not less than 45
17 days for a person to voluntarily submit in-
18 formation concerning—

19 “(I) the broadband service of-
20 fered in the area, or a commitment to
21 offer broadband service in the area
22 that is subject to legal sanction if not
23 performed; or

24 “(II) the broadband service of-
25 fered to the anchor institution.

1 “(ii) STREAMLINED PROCESS.—The
2 Commission shall ensure that such process
3 is sufficiently streamlined such that a rea-
4 sonably prudent person may easily partici-
5 pate to challenge such initial determination
6 with little burden on such person.

7 “(D) FINAL DETERMINATION.—The Com-
8 mission shall make a final determination of the
9 areas that are unserved areas, areas with low-
10 tier service, or areas with mid-tier service and
11 which anchor institutions are unserved anchor
12 institutions within 1 year after the date of the
13 enactment of this section.

14 “(7) NOTICE, TRANSPARENCY, ACCOUNT-
15 ABILITY, AND OVERSIGHT REQUIRED.—The program
16 shall contain sufficient notice, transparency, ac-
17 countability, and oversight measures to provide the
18 public with notice of the assistance provided under
19 this section, and to deter waste, fraud, and abuse of
20 program funds.

21 “(8) COMPETENCE.—The program shall contain
22 sufficient processes and requirements, as established
23 by an entity administering a system of competitive
24 bidding (either a State or the Commission), to en-
25 sure that, prior to bidding in such system of com-

1 petitive bidding, a provider of broadband service
2 seeking to participate in such system of competitive
3 bidding—

4 “(A) is capable of carrying out the project
5 in a competent manner in compliance with all
6 applicable Federal, State, and local laws;

7 “(B) has the financial capacity to meet the
8 buildout obligations of the project and require-
9 ments as set forth under this section and as
10 may be further prescribed by the Commission;
11 and

12 “(C) has the technical and operational ca-
13 pability to provide broadband services in the
14 manner contemplated by the provider’s bid in
15 the system of competitive bidding, including a
16 detailed consideration of the provider’s prior
17 performance in delivering services as con-
18 templated in the bid and the capabilities of the
19 provider’s proposed network to deliver the con-
20 templated services in the area in question.

21 “(9) CONTRACTING REQUIREMENTS.—All labor-
22 ers and mechanics employed by contractors or sub-
23 contractors in the performance of construction, al-
24 teration, or repair work carried out, in whole or in
25 part, with assistance made available under this sec-

1 tion shall be paid wages at rates not less than those
2 prevailing on projects of a similar character in the
3 locality as determined by the Secretary of Labor in
4 accordance with subchapter IV of chapter 31 of title
5 40, United States Code. With respect to the labor
6 standards in this paragraph, the Secretary of Labor
7 shall have the authority and functions set forth in
8 Reorganization Plan Numbered 14 of 1950 (64 Stat.
9 1267; 5 U.S.C. App.) and section 3145 of title 40,
10 United States Code.

11 “(10) RULE OF CONSTRUCTION REGARDING EN-
12 VIRONMENTAL LAWS.—Nothing in this section shall
13 be construed to affect—

14 “(A) the Clean Air Act (42 U.S.C. 7401 et
15 seq.);

16 “(B) the Federal Water Pollution Control
17 Act (33 U.S.C. 1251 et seq.; commonly referred
18 to as the ‘Clean Water Act’);

19 “(C) the National Environmental Policy
20 Act of 1969 (42 U.S.C. 4321 et seq.);

21 “(D) the Endangered Species Act of 1973
22 (16 U.S.C. 1531 et seq.);

23 “(E) the Solid Waste Disposal Act (42
24 U.S.C. 6901 et seq.; commonly referred to as

1 the ‘Resource Conservation and Recovery Act’);
2 or

3 “(F) any State or local law that is similar
4 to a law listed in subparagraphs (A) through
5 (E).

6 “(11) REFERRAL OF ALLEGED VIOLATIONS OF
7 APPLICABLE FEDERAL LABOR AND EMPLOYMENT
8 LAWS.—The Commission shall refer any alleged vio-
9 lation of an applicable labor and employment law to
10 the appropriate Federal agency for investigation and
11 enforcement, and any alleged violation of paragraph
12 (9) or (12) to the National Labor Relations Board
13 for investigation and enforcement, utilizing all ap-
14 propriate remedies up to and including debarment
15 from the program.

16 “(12) LABOR ORGANIZATION.—

17 “(A) IN GENERAL.—Notwithstanding the
18 National Labor Relations Act (29 U.S.C. 151
19 et seq.), subparagraphs (B) through (F) shall
20 apply with respect to any funding recipient who
21 is an employer and any labor organization who
22 represents employees of a funding recipient.

23 “(B) NEUTRALITY REQUIREMENT.—An
24 employer shall remain neutral with respect to
25 the exercise of employees and labor organiza-

1 tions of the right to organize and bargain under
2 the National Labor Relations Act (29 U.S.C.
3 151 et seq.).

4 “(C) COMMENCEMENT OF COLLECTIVE
5 BARGAINING.—Not later than 10 days after re-
6 ceiving a written request for collective bar-
7 gaining from a labor organization that has been
8 newly recognized or certified as a representative
9 under section 9(a) of the National Labor Rela-
10 tions Act (29 U.S.C. 159(a)), or within such
11 further period as the parties agree upon, the
12 parties shall meet and commence to bargain
13 collectively and shall make every reasonable ef-
14 fort to conclude and sign a collective bargaining
15 agreement.

16 “(D) MEDIATION AND CONCILIATION FOR
17 FAILURE TO REACH A COLLECTIVE BARGAINING
18 AGREEMENT.—

19 “(i) IN GENERAL.—If the parties have
20 failed to reach an agreement before the
21 date that is 90 days after the date on
22 which bargaining is commenced under sub-
23 paragraph (C), or any later date agreed
24 upon by both parties, either party may no-
25 tify the Federal Mediation and Conciliation

1 Service of the existence of a dispute and
2 request mediation.

3 “(ii) FEDERAL MEDIATION AND CON-
4 CILIATION SERVICE.—Whenever a request
5 is received under clause (i), the Director of
6 the Federal Mediation and Conciliation
7 Service shall promptly communicate with
8 the parties and use best efforts, by medi-
9 ation and conciliation, to bring them to
10 agreement.

11 “(E) TRIPARTITE ARBITRATION PANEL.—

12 “(i) IN GENERAL.—If the Federal Me-
13 diation and Conciliation Service is not able
14 to bring the parties to agreement by medi-
15 ation or conciliation before the date that is
16 30 days after the date on which such medi-
17 ation or conciliation is commenced, or any
18 later date agreed upon by both parties, the
19 Service shall refer the dispute to a tri-
20 partite arbitration panel established in ac-
21 cordance with such regulations as may be
22 prescribed by the Service, with one mem-
23 ber selected by the labor organization, one
24 member selected by the employer, and one

1 neutral member mutually agreed to by the
2 parties.

3 “(ii) DISPUTE SETTLEMENT.—A ma-
4 jority of the tripartite arbitration panel
5 shall render a decision settling the dispute
6 and such decision shall be binding upon
7 the parties for a period of two years, un-
8 less amended during such period by writ-
9 ten consent of the parties. Such decision
10 shall be based on—

11 “(I) the employer’s financial sta-
12 tus and prospects;

13 “(II) the size and type of the em-
14 ployer’s operations and business;

15 “(III) the employees’ cost of liv-
16 ing;

17 “(IV) the employees’ ability to
18 sustain themselves, their families, and
19 their dependents on the wages and
20 benefits they earn from the employer;
21 and

22 “(V) the wages and benefits that
23 other employers in the same business
24 provide their employees.

1 “(F) PROHIBITION ON SUBCONTRACTING
2 FOR CERTAIN PURPOSES.—A funding recipient
3 may not engage in subcontracting for the pur-
4 pose of circumventing the terms of a collective
5 bargaining agreement with respect to wages,
6 benefits, or working conditions.

7 “(G) PARTIES DEFINED.—In this para-
8 graph, the term ‘parties’ means a labor organi-
9 zation that is newly recognized or certified as a
10 representative under section 9(a) of the Na-
11 tional Labor Relations Act (29 U.S.C. 159(a))
12 and the employer of the employees represented
13 by such organization.

14 “(d) PROJECT REQUIREMENTS.—Any project funded
15 through the program shall meet the following require-
16 ments:

17 “(1) The project shall adhere to quality-of-serv-
18 ice standards as established by the Commission.

19 “(2) Except as provided in paragraphs (2) and
20 (3) of subsection (c), the project shall offer
21 broadband service with a download speed of at least
22 100 megabits per second, an upload speed of at least
23 100 megabits per second, and a latency that is suffi-
24 ciently low to allow real-time, interactive applica-
25 tions.

1 “(3) The project shall offer broadband service
2 at prices that are comparable to, or lower than, the
3 prices charged for comparable levels of service in
4 areas that were not unserved areas, areas with low-
5 tier service, or areas with mid-tier service on the day
6 before the date of the enactment of this section.

7 “(4) For any project that involves laying fiber-
8 optic cables along a roadway, the project shall in-
9 clude interspersed conduit access points at regular
10 and short intervals.

11 “(5) The project shall incorporate prudent cy-
12 bersecurity and supply chain risk management prac-
13 tices, as specified by the Commission through the
14 rulemaking described in subsection (e), in consulta-
15 tion with the Director of the National Institute of
16 Standards and Technology and the Assistant Sec-
17 retary.

18 “(6) The project shall incorporate best prac-
19 tices, as defined by the Commission, for ensuring re-
20 liability and resiliency of the network during disas-
21 ters.

22 “(7) Any funding recipient must agree to have
23 the project meet the requirements established under
24 section 224, as if the project were classified as a
25 ‘utility’ under such section. The preceding sentence

1 shall not apply to those entities or persons excluded
2 from the definition of the term ‘utility’ by the second
3 sentence of subsection (a)(1) of such section.

4 “(8) The project shall offer an affordable option
5 for a broadband service plan under which broadband
6 service is provided—

7 “(A) with a download speed of at least 50
8 megabits per second;

9 “(B) with an upload speed of at least 50
10 megabits per second; and

11 “(C) with latency that is sufficiently low to
12 allow multiple, simultaneous, real-time, inter-
13 active applications.

14 “(e) RULEMAKING AND DISTRIBUTION AND AWARD
15 OF FUNDS.—Not later than 180 days after the date of
16 the enactment of this section, the Commission, in con-
17 sultation with the Assistant Secretary, shall promulgate
18 rules—

19 “(1) that implement the requirements of this
20 section, as appropriate;

21 “(2) that establish the design of and rules for
22 the national systems of competitive bidding;

23 “(3) that establish notice requirements for all
24 systems of competitive bidding authorized under this

1 section that, at a minimum, provide the public with
2 notice of—

3 “(A) the initial determination of which
4 areas are unserved areas, areas with low-tier
5 service, or areas with mid-tier service;

6 “(B) the final determination of which
7 areas are unserved areas, areas with low-tier
8 service, or areas with mid-tier service after the
9 process for challenging the initial determination
10 has concluded;

11 “(C) which entities have applied to bid for
12 funding; and

13 “(D) the results of any system of competi-
14 tive bidding, including identifying the funding
15 recipients, which areas each project will serve,
16 the nature of the service that will be provided
17 by the project in each of those areas, and how
18 much funding the funding recipients will receive
19 in each of those areas;

20 “(4) that establish broadband service buildout
21 milestones and periodic certification by funding re-
22 cipients to ensure compliance with the broadband
23 service buildout milestones for all systems of com-
24 petitive bidding authorized under this section;

1 “(5) that, except as provided in paragraphs (2)
2 and (3) of subsection (c), establish a maximum
3 buildout timeframe of four years beginning on the
4 date on which funding is provided under this section
5 for a project;

6 “(6) that establish periodic reporting require-
7 ments for funding recipients and that identify, at a
8 minimum, the nature of the service provided in each
9 area for any system of competitive bidding author-
10 ized under this section;

11 “(7) that establish standard penalties for the
12 noncompliance of funding recipients or projects with
13 the requirements as set forth under this section and
14 as may be further prescribed by the Commission for
15 any system of competitive bidding authorized under
16 this section;

17 “(8) that establish procedures for recovery of
18 funds, in whole or in part, from funding recipients
19 in the event of the default or noncompliance of the
20 funding recipient or project with the requirements
21 established under this section for any system of com-
22 petitive bidding authorized under this section; and

23 “(9) that establish mechanisms to reduce waste,
24 fraud, and abuse within the program for any system
25 of competitive bidding authorized under this section.

1 “(f) REPORTS REQUIRED.—

2 “(1) INSPECTOR GENERAL AND COMPTROLLER
3 GENERAL REPORT.—Not later than June 30 and
4 December 31 of each year following the awarding of
5 the first funds under the program, the Inspector
6 General of the Commission and the Comptroller
7 General of the United States shall submit to the
8 Committees on Energy and Commerce of the House
9 of Representatives and Commerce, Science, and
10 Transportation of the Senate a report for the pre-
11 vious 6 months that reviews the program. Such re-
12 port shall include any recommendations to address
13 waste, fraud, and abuse.

14 “(2) STATE REPORTS.—Any State that receives
15 funds under the program shall submit an annual re-
16 port to the Commission on how such funds were
17 spent, along with a certification of compliance with
18 the requirements as set forth under this section and
19 as may be further prescribed by the Commission, in-
20 cluding a description of each service provided and
21 the number of individuals to whom the service was
22 provided.

23 “(g) APPROPRIATION.—There are appropriated to
24 the Commission, out of any money in the Treasury not
25 otherwise appropriated, \$80,000,000,000 to carry out the

1 program for fiscal year 2021, to remain available until ex-
2 pended.

3 “(h) DEFINITIONS.—In this section:

4 “(1) AFFORDABLE OPTION.—The term ‘afford-
5 able option’ means, with respect to a broadband
6 service plan, that broadband service is provided
7 under such plan at a rate that is determined by the
8 Commission, in coordination with the Office of
9 Internet Connectivity and Growth, to be affordable
10 for a household with an income of 136 percent of
11 the poverty threshold, as determined by using cri-
12 teria of poverty established by the Bureau of the
13 Census, for a 4-person household that includes 2 de-
14 pendents under the age of 18.

15 “(2) ANCHOR INSTITUTION.—The term ‘anchor
16 institution’ means a public or private school, a li-
17 brary, a medical or healthcare provider, a museum,
18 a public safety entity, a public housing agency (as
19 defined in section 3(b) of the United States Housing
20 Act of 1937 (42 U.S.C. 1437a(b))), a community
21 college, an institution of higher education, a reli-
22 gious organization, or any other community support
23 organization or agency.

24 “(3) AREA.—The term ‘area’ means the geo-
25 graphic unit of measurement with the greatest level

1 of granularity reasonably feasible for the Commis-
2 sion to use in making eligibility determinations
3 under this section and in meeting the requirements
4 and deadlines of this section.

5 “(4) AREA WITH LOW-TIER SERVICE.—The
6 term ‘area with low-tier service’ means an area
7 where at least 90 percent of the population has ac-
8 cess to broadband service offered—

9 “(A) with a download speed of at least 25
10 megabits per second but less than 100 megabits
11 per second;

12 “(B) with an upload speed of at least 25
13 megabits per second but less than 100 megabits
14 per second; and

15 “(C) with latency that is sufficiently low to
16 allow multiple, simultaneous, real-time, inter-
17 active applications.

18 “(5) AREA WITH MID-TIER SERVICE.—The term
19 ‘area with mid-tier service’ means an area where at
20 least 90 percent of the population has access to
21 broadband service offered—

22 “(A) with a download speed of at least 100
23 megabits per second but less than 1 gigabit per
24 second;

1 “(B) with an upload speed of at least 100
2 megabits per second but less than 1 gigabit per
3 second; and

4 “(C) with latency that is sufficiently low to
5 allow multiple, simultaneous, real-time, inter-
6 active applications.

7 “(6) ASSISTANT SECRETARY.—The term ‘As-
8 sistant Secretary’ means the Assistant Secretary of
9 Commerce for Communications and Information.

10 “(7) BROADBAND SERVICE.—The term
11 ‘broadband service’—

12 “(A) means broadband internet access
13 service that is a mass-market retail service, or
14 a service provided to an anchor institution, by
15 wire or radio that provides the capability to
16 transmit data to and receive data from all or
17 substantially all internet endpoints, including
18 any capabilities that are incidental to and en-
19 able the operation of the communications serv-
20 ice;

21 “(B) includes any service that is a func-
22 tional equivalent of the service described in sub-
23 paragraph (A); and

24 “(C) does not include dial-up internet ac-
25 cess service.

1 “(8) COLLECTIVE BARGAINING.—The term ‘col-
2 lective bargaining’ means performance of the mutual
3 obligation described in section 8(d) of the National
4 Labor Relations Act (29 U.S.C. 158(d)).

5 “(9) COLLECTIVE BARGAINING AGREEMENT.—
6 The term ‘collective bargaining agreement’ means an
7 agreement reach through collective bargaining.

8 “(10) FUNDING RECIPIENT.—The term ‘fund-
9 ing recipient’ means an entity that receives funding
10 for a project under this section, including a private
11 entity, public-private partnership, cooperative, or
12 municipal broadband service provider.

13 “(11) HIGH-POVERTY AREA.—The term ‘high-
14 poverty area’ means a census tract with a poverty
15 rate of at least 20 percent, as measured by the most
16 recent 5-year data series available from the Amer-
17 ican Community Survey of the Bureau of the Census
18 as of the year before the date of the enactment of
19 this section.

20 “(12) INSTITUTION OF HIGHER EDUCATION.—
21 The term ‘institution of higher education’—

22 “(A) has the meaning given the term in
23 section 101 of the Higher Education Act of
24 1965 (20 U.S.C. 1001); and

1 “(B) includes a postsecondary vocational
2 institution.

3 “(13) LABOR ORGANIZATION.—The term ‘labor
4 organization’ has the meaning given the term in sec-
5 tion 2 of the National Labor Relations Act (29
6 U.S.C. 152).

7 “(14) PERSISTENT POVERTY COUNTY.—The
8 term ‘persistent poverty county’ means any county
9 with a poverty rate of at least 20 percent, as deter-
10 mined in each of the 1990 and 2000 decennial cen-
11 suses and in the Small Area Income and Poverty Es-
12 timates of the Bureau of the Census for the most re-
13 cent year for which the Estimates are available.

14 “(15) POSTSECONDARY VOCATIONAL INSTITU-
15 TION.—The term ‘postsecondary vocational institu-
16 tion’ has the meaning given the term in section
17 102(c) of the Higher Education Act of 1965 (20
18 U.S.C. 1002(c)).

19 “(16) PROGRAM.—Unless otherwise indicated,
20 the term ‘program’ means the program established
21 under subsection (a).

22 “(17) PROJECT.—The term ‘project’ means an
23 undertaking by a funding recipient under this sec-
24 tion to construct and deploy infrastructure for the
25 provision of broadband service.

1 “(18) UNSERVED ANCHOR INSTITUTION.—The
2 term ‘unserved anchor institution’ means an anchor
3 institution that has no access to broadband service
4 or does not have access to broadband service of-
5 fered—

6 “(A) with a download speed of at least 1
7 gigabit per second per 1,000 users;

8 “(B) with an upload speed of at least 1
9 gigabit per second per 1,000 users; and

10 “(C) with latency that is sufficiently low to
11 allow multiple, simultaneous, real-time, inter-
12 active applications.

13 “(19) UNSERVED AREA.—The term ‘unserved
14 area’ means an area where at least 90 percent of the
15 population has no access to broadband service or
16 does not have access to broadband service offered—

17 “(A) with a download speed of at least 25
18 megabits per second;

19 “(B) with an upload speed of at least 25
20 megabits per second; and

21 “(C) with latency that is sufficiently low to
22 allow real-time, interactive applications.”.

1 **CHAPTER 2—BROADBAND INFRASTRUC-**
2 **TURE FINANCE AND INNOVATION**

3 **SEC. 31321. DEFINITIONS.**

4 In this chapter:

5 (1) BIFIA PROGRAM.—The term “BIFIA pro-
6 gram” means the broadband infrastructure finance
7 and innovation program established under this chap-
8 ter.

9 (2) BROADBAND SERVICE.—The term
10 “broadband service”—

11 (A) means broadband internet access serv-
12 ice that is a mass-market retail service, or a
13 service provided to an entity described in para-
14 graph (11)(B)(ii), by wire or radio that pro-
15 vides the capability to transmit data to and re-
16 ceive data from all or substantially all internet
17 endpoints, including any capabilities that are
18 incidental to and enable the operation of the
19 communications service;

20 (B) includes any service that is a func-
21 tional equivalent of the service described in sub-
22 paragraph (A); and

23 (C) does not include dial-up internet access
24 service.

1 (3) ELIGIBLE PROJECT COSTS.—The term “eli-
2 gible project costs” means amounts substantially all
3 of which are paid by, or for the account of, an obli-
4 gor in connection with a project, including the cost
5 of—

6 (A) development phase activities, including
7 planning, feasibility analysis, revenue fore-
8 casting, environmental review, historic preserva-
9 tion review, permitting, preliminary engineering
10 and design work, and other preconstruction ac-
11 tivities;

12 (B) construction and deployment phase ac-
13 tivities, including—

14 (i) construction, reconstruction, reha-
15 bilitation, replacement, and acquisition of
16 real property (including land relating to
17 the project and improvements to land),
18 equipment, instrumentation, networking
19 capability, hardware and software, and dig-
20 ital network technology;

21 (ii) environmental mitigation; and

22 (iii) construction contingencies; and

23 (C) capitalized interest necessary to meet
24 market requirements, reasonably required re-
25 serve funds, capital issuance expenses, and

1 other carrying costs during construction and
2 deployment.

3 (4) FEDERAL CREDIT INSTRUMENT.—The term
4 “Federal credit instrument” means a secured loan,
5 loan guarantee, or line of credit authorized to be
6 made available under the BIFIA program with re-
7 spect to a project.

8 (5) INVESTMENT-GRADE RATING.—The term
9 “investment-grade rating” means a rating of BBB
10 minus, Baa3, bbb minus, BBB (low), or higher as-
11 signed by a rating agency to project obligations.

12 (6) LENDER.—The term “lender” means any
13 non-Federal qualified institutional buyer (as defined
14 in section 230.144A(a) of title 17, Code of Federal
15 Regulations (or any successor regulation), known as
16 Rule 144A(a) of the Securities and Exchange Com-
17 mission and issued under the Securities Act of 1933
18 (15 U.S.C. 77a et seq.)), including—

19 (A) a qualified retirement plan (as defined
20 in section 4974(c) of the Internal Revenue Code
21 of 1986) that is a qualified institutional buyer;
22 and

23 (B) a governmental plan (as defined in
24 section 414(d) of the Internal Revenue Code of
25 1986) that is a qualified institutional buyer.

1 (7) LETTER OF INTEREST.—The term “letter
2 of interest” means a letter submitted by a potential
3 applicant prior to an application for credit assistance
4 in a format prescribed by the Assistant Secretary on
5 the website of the BIFIA program that—

6 (A) describes the project and the location,
7 purpose, and cost of the project;

8 (B) outlines the proposed financial plan,
9 including the requested credit assistance and
10 the proposed obligor;

11 (C) provides a status of environmental re-
12 view; and

13 (D) provides information regarding satis-
14 faction of other eligibility requirements of the
15 BIFIA program.

16 (8) LINE OF CREDIT.—The term “line of cred-
17 it” means an agreement entered into by the Assist-
18 ant Secretary with an obligor under section 31324
19 to provide a direct loan at a future date upon the
20 occurrence of certain events.

21 (9) LOAN GUARANTEE.—The term “loan guar-
22 antee” means any guarantee or other pledge by the
23 Assistant Secretary to pay all or part of the prin-
24 cipal of and interest on a loan or other debt obliga-
25 tion issued by an obligor and funded by a lender.

1 (10) OBLIGOR.—The term “obligor” means a
2 party that—

3 (A) is primarily liable for payment of the
4 principal of or interest on a Federal credit in-
5 strument; and

6 (B) may be a corporation, company, part-
7 nership, joint venture, trust, or governmental
8 entity, agency, or instrumentality.

9 (11) PROJECT.—The term “project” means a
10 project—

11 (A) to construct and deploy infrastructure
12 for the provision of broadband service; and

13 (B) that the Assistant Secretary deter-
14 mines will—

15 (i) provide access or improved access
16 to broadband service to consumers residing
17 in areas of the United States that have no
18 access to broadband service or do not have
19 access to broadband service offered—

20 (I) with a download speed of at
21 least 100 megabits per second;

22 (II) with an upload speed of at
23 least 20 megabits per second; and

1 (III) with latency that is suffi-
2 ciently low to allow real-time, inter-
3 active applications; or

4 (ii) provide access or improved access
5 to broadband service to—

6 (I) schools, libraries, medical and
7 healthcare providers, community col-
8 leges and other institutions of higher
9 education, museums, religious organi-
10 zations, and other community support
11 organizations and entities to facilitate
12 greater use of broadband service by or
13 through such organizations;

14 (II) organizations and agencies
15 that provide outreach, access, equip-
16 ment, and support services to facili-
17 tate greater use of broadband service
18 by low-income, unemployed, aged, and
19 otherwise vulnerable populations;

20 (III) job-creating strategic facili-
21 ties located within a State-designated
22 economic zone, Economic Develop-
23 ment District designated by the De-
24 partment of Commerce, Empower-
25 ment Zone designated by the Depart-

1 ment of Housing and Urban Develop-
2 ment, or Enterprise Community des-
3 ignated by the Department of Agri-
4 culture; or

5 (IV) public safety agencies.

6 (12) PROJECT OBLIGATION.—The term
7 “project obligation” means any note, bond, debenture,
8 or other debt obligation issued by an obligor in
9 connection with the financing of a project, other
10 than a Federal credit instrument.

11 (13) PUBLIC AUTHORITY.—The term “public
12 authority” means a Federal, State, county, town, or
13 township, Indian Tribe, municipal or other local gov-
14 ernment or instrumentality with authority to fi-
15 nance, build, operate, or maintain infrastructure for
16 the provision of broadband service.

17 (14) RATING AGENCY.—The term “rating agen-
18 cy” means a credit rating agency registered with the
19 Securities and Exchange Commission as a nationally
20 recognized statistical rating organization (as defined
21 in section 3(a) of the Securities Exchange Act of
22 1934 (15 U.S.C. 78c(a))).

23 (15) SECURED LOAN.—The term “secured
24 loan” means a direct loan or other debt obligation
25 issued by an obligor and funded by the Assistant

1 Secretary in connection with the financing of a
2 project under section 31323.

3 (16) SMALL PROJECT.—The term “small
4 project” means a project having eligible project costs
5 that are reasonably anticipated not to equal or ex-
6 ceed \$20,000,000.

7 (17) SUBSIDY AMOUNT.—The term “subsidy
8 amount” means the amount of budget authority suf-
9 ficient to cover the estimated long-term cost to the
10 Federal Government of a Federal credit instru-
11 ment—

12 (A) calculated on a net present value basis;

13 and

14 (B) excluding administrative costs and any
15 incidental effects on governmental receipts or
16 outlays in accordance with the Federal Credit
17 Reform Act of 1990 (2 U.S.C. 661 et seq.).

18 (18) SUBSTANTIAL COMPLETION.—The term
19 “substantial completion” means, with respect to a
20 project receiving credit assistance under the BIFLA
21 program—

22 (A) the commencement of the provision of
23 broadband service using the infrastructure
24 being financed; or

1 (B) a comparable event, as determined by
2 the Assistant Secretary and specified in the
3 credit agreement.

4 **SEC. 31322. DETERMINATION OF ELIGIBILITY AND**
5 **PROJECT SELECTION.**

6 (a) ELIGIBILITY.—

7 (1) IN GENERAL.—A project shall be eligible to
8 receive credit assistance under the BIFIA program
9 if—

10 (A) the entity proposing to carry out the
11 project submits a letter of interest prior to sub-
12 mission of a formal application for the project;
13 and

14 (B) the project meets the criteria described
15 in this subsection.

16 (2) CREDITWORTHINESS.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), to be eligible for assistance
19 under the BIFIA program, a project shall sat-
20 isfy applicable creditworthiness standards,
21 which, at a minimum, shall include—

22 (i) adequate coverage requirements to
23 ensure repayment;

1 (ii) an investment-grade rating from
2 at least 2 rating agencies on debt senior to
3 the Federal credit instrument; and

4 (iii) a rating from at least 2 rating
5 agencies on the Federal credit instrument.

6 (B) SMALL PROJECTS.—In order for a
7 small project to be eligible for assistance under
8 the BIFIA program, such project shall satisfy
9 alternative creditworthiness standards that shall
10 be established by the Assistant Secretary under
11 section 31325 for purposes of this paragraph.

12 (3) APPLICATION.—A State, local government,
13 agency or instrumentality of a State or local govern-
14 ment, public authority, public-private partnership, or
15 any other legal entity undertaking the project and
16 authorized by the Assistant Secretary shall submit a
17 project application that is acceptable to the Assist-
18 ant Secretary.

19 (4) ELIGIBLE PROJECT COST PARAMETERS FOR
20 INFRASTRUCTURE PROJECTS.—Eligible project costs
21 shall be reasonably anticipated to equal or exceed
22 \$2,000,000 in the case of a project or program of
23 projects—

24 (A) in which the applicant is a local gov-
25 ernment, instrumentality of local government,

1 or public authority (other than a public author-
2 ity that is a Federal or State government or in-
3 strumentality);

4 (B) located on a facility owned by a local
5 government; or

6 (C) for which the Assistant Secretary de-
7 termines that a local government is substan-
8 tially involved in the development of the project.

9 (5) DEDICATED REVENUE SOURCES.—The ap-
10 plicable Federal credit instrument shall be repayable,
11 in whole or in part, from—

12 (A) amounts charged to—

13 (i) subscribers of broadband service
14 for such service; or

15 (ii) subscribers of any related service
16 provided over the same infrastructure for
17 such related service;

18 (B) user fees;

19 (C) payments owing to the obligor under a
20 public-private partnership; or

21 (D) other dedicated revenue sources that
22 also secure or fund the project obligations.

23 (6) APPLICATIONS WHERE OBLIGOR WILL BE
24 IDENTIFIED LATER.—A State, local government,
25 agency or instrumentality of a State or local govern-

1 ment, or public authority may submit to the Assist-
2 ant Secretary an application under paragraph (3),
3 under which a private party to a public-private part-
4 nership will be—

5 (A) the obligor; and

6 (B) identified later through completion of
7 a procurement and selection of the private
8 party.

9 (7) BENEFICIAL EFFECTS.—The Assistant Sec-
10 retary shall determine that financial assistance for
11 the project under the BIFIA program will—

12 (A) foster, if appropriate, partnerships
13 that attract public and private investment for
14 the project;

15 (B) enable the project to proceed at an
16 earlier date than the project would otherwise be
17 able to proceed or reduce the lifecycle costs (in-
18 cluding debt service costs) of the project; and

19 (C) reduce the contribution of Federal
20 grant assistance for the project.

21 (8) PROJECT READINESS.—To be eligible for
22 assistance under the BIFIA program, the applicant
23 shall demonstrate a reasonable expectation that the
24 contracting process for the construction and deploy-
25 ment of infrastructure for the provision of

1 broadband service through the project can commence
2 by no later than 90 days after the date on which a
3 Federal credit instrument is obligated for the project
4 under the BIFIA program.

5 (9) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
6 TIES.—

7 (A) IN GENERAL.—If an eligible project is
8 carried out by an entity that is not a State or
9 local government or an agency or instrumen-
10 tality of a State or local government or a Tribal
11 Government or consortium of Tribal Govern-
12 ments, the project shall be publicly sponsored.

13 (B) PUBLIC SPONSORSHIP.—For purposes
14 of this chapter, a project shall be considered to
15 be publicly sponsored if the obligor can dem-
16 onstrate, to the satisfaction of the Assistant
17 Secretary, that the project applicant has con-
18 sulted with the State, local, or Tribal Govern-
19 ment in the area in which the project is located,
20 or that is otherwise affected by the project, and
21 that such Government supports the proposal.

22 (b) SELECTION AMONG ELIGIBLE PROJECTS.—

23 (1) ESTABLISHMENT OF APPLICATION PROC-
24 ESS.—The Assistant Secretary shall establish a roll-
25 ing application process under which projects that are

1 eligible to receive credit assistance under subsection
2 (a) shall receive credit assistance on terms accept-
3 able to the Assistant Secretary, if adequate funds
4 are available to cover the subsidy costs associated
5 with the Federal credit instrument.

6 (2) PRELIMINARY RATING OPINION LETTER.—
7 The Assistant Secretary shall require each project
8 applicant to provide—

9 (A) a preliminary rating opinion letter
10 from at least 1 rating agency—

11 (i) indicating that the senior obliga-
12 tions of the project, which may be the Fed-
13 eral credit instrument, have the potential
14 to achieve an investment-grade rating; and

15 (ii) including a preliminary rating
16 opinion on the Federal credit instrument;
17 or

18 (B) in the case of a small project, alter-
19 native documentation that the Assistant Sec-
20 retary shall require in the standards established
21 under section 31325 for purposes of this para-
22 graph.

23 (3) TECHNOLOGY NEUTRALITY REQUIRED.—In
24 selecting projects to receive credit assistance under

1 the BIFIA program, the Assistant Secretary may
2 not favor a project using any particular technology.

3 (4) PREFERENCE FOR OPEN-ACCESS NET-
4 WORKS.—In selecting projects to receive credit as-
5 sistance under the BIFIA program, the Assistant
6 Secretary shall give preference to projects providing
7 for the deployment of open-access broadband service
8 networks.

9 (c) FEDERAL REQUIREMENTS.—

10 (1) IN GENERAL.—The following provisions of
11 law shall apply to funds made available under the
12 BIFIA program and projects assisted with those
13 funds:

14 (A) Title VI of the Civil Rights Act of
15 1964 (42 U.S.C. 2000d et seq.).

16 (B) The National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et seq.).

18 (C) 54 U.S.C. 300101 et seq. (commonly
19 referred to as the “National Historic Preserva-
20 tion Act”).

21 (D) The Uniform Relocation Assistance
22 and Real Property Acquisition Policies Act of
23 1970 (42 U.S.C. 4601 et seq.).

24 (2) NEPA.—No funding shall be obligated for
25 a project that has not received an environmental cat-

1 egorical exclusion, a finding of no significant impact,
2 or a record of decision under the National Environ-
3 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

4 (3) TITLE VI OF THE CIVIL RIGHTS ACT OF
5 1964.—For purposes of title VI of the Civil Rights
6 Act of 1964 (42 U.S.C. 2000d et seq.), any project
7 that receives credit assistance under the BIFIA pro-
8 gram shall be considered a program or activity with-
9 in the meaning of section 606 of such title (42
10 U.S.C. 2000d–4a).

11 (4) CONTRACTING REQUIREMENTS.—All labor-
12 ers and mechanics employed by contractors or sub-
13 contractors in the performance of construction, al-
14 teration, or repair work carried out, in whole or in
15 part, with assistance made available through a Fed-
16 eral credit instrument shall be paid wages at rates
17 not less than those prevailing on projects of a simi-
18 lar character in the locality as determined by the
19 Secretary of Labor in accordance with subchapter
20 IV of chapter 31 of title 40, United States Code.
21 With respect to the labor standards in this para-
22 graph, the Secretary of Labor shall have the author-
23 ity and functions set forth in Reorganization Plan
24 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.

1 App.) and section 3145 of title 40, United States
2 Code.

3 (5) NEUTRALITY REQUIREMENT.—An employer
4 receiving assistance made available through a Fed-
5 eral credit instrument under this chapter shall re-
6 main neutral with respect to the exercise of employ-
7 ees and labor organizations of the right to organize
8 and bargain under the National Labor Relations Act
9 (29 U.S.C. 151 et seq.).

10 (6) REFERRAL OF ALLEGED VIOLATIONS OF AP-
11 PPLICABLE FEDERAL LABOR AND EMPLOYMENT
12 LAWS.—The Assistant Secretary shall refer any al-
13 leged violation of an applicable labor and employ-
14 ment law to the appropriate Federal agency for in-
15 vestigation and enforcement, and any alleged viola-
16 tion of paragraph (4) or (5) to the National Labor
17 Relations Board for investigation and enforcement,
18 utilizing all appropriate remedies up to and includ-
19 ing debarment from the BIFIA program.

20 (d) APPLICATION PROCESSING PROCEDURES.—

21 (1) NOTICE OF COMPLETE APPLICATION.—Not
22 later than 30 days after the date of receipt of an ap-
23 plication under this section, the Assistant Secretary
24 shall provide to the applicant a written notice to in-
25 form the applicant whether—

1 (A) the application is complete; or

2 (B) additional information or materials are
3 needed to complete the application.

4 (2) APPROVAL OR DENIAL OF APPLICATION.—

5 Not later than 60 days after the date of issuance of
6 the written notice under paragraph (1), the Assist-
7 ant Secretary shall provide to the applicant a writ-
8 ten notice informing the applicant whether the As-
9 sistant Secretary has approved or disapproved the
10 application.

11 (3) APPROVAL BEFORE NEPA REVIEW.—Subject

12 to subsection (c)(2), an application for a project may
13 be approved before the project receives an environ-
14 mental categorical exclusion, a finding of no signifi-
15 cant impact, or a record of decision under the Na-
16 tional Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.).

18 (e) DEVELOPMENT PHASE ACTIVITIES.—Any credit

19 instrument secured under the BIFIA program may be
20 used to finance up to 100 percent of the cost of develop-
21 ment phase activities as described in section 31321(3)(A).

22 **SEC. 31323. SECURED LOANS.**

23 (a) IN GENERAL.—

24 (1) AGREEMENTS.—Subject to paragraphs (2)

25 and (3), the Assistant Secretary may enter into

1 agreements with one or more obligors to make se-
2 cured loans, the proceeds of which shall be used—

3 (A) to finance eligible project costs of any
4 project selected under section 31322;

5 (B) to refinance interim construction fi-
6 nancing of eligible project costs of any project
7 selected under section 31322; or

8 (C) to refinance long-term project obliga-
9 tions or Federal credit instruments, if the refi-
10 nancing provides additional funding capacity for
11 the completion, enhancement, or expansion of
12 any project that—

13 (i) is selected under section 31322; or

14 (ii) otherwise meets the requirements
15 of section 31322.

16 (2) LIMITATION ON REFINANCING OF INTERIM
17 CONSTRUCTION FINANCING.—A loan under para-
18 graph (1) shall not refinance interim construction fi-
19 nancing under paragraph (1)(B)—

20 (A) if the maturity of such interim con-
21 struction financing is later than 1 year after
22 the substantial completion of the project; and

23 (B) later than 1 year after the date of sub-
24 stantial completion of the project.

1 (3) RISK ASSESSMENT.—Before entering into
2 an agreement under this subsection, the Assistant
3 Secretary, in consultation with the Director of the
4 Office of Management and Budget, shall determine
5 an appropriate capital reserve subsidy amount for
6 each secured loan, taking into account each rating
7 letter provided by a rating agency under section
8 31322(b)(2)(A)(ii) or, in the case of a small project,
9 the alternative documentation provided under section
10 31322(b)(2)(B).

11 (b) TERMS AND LIMITATIONS.—

12 (1) IN GENERAL.—A secured loan under this
13 section with respect to a project shall be on such
14 terms and conditions and contain such covenants,
15 representations, warranties, and requirements (in-
16 cluding requirements for audits) as the Assistant
17 Secretary determines to be appropriate.

18 (2) MAXIMUM AMOUNT.—The amount of a se-
19 cured loan under this section shall not exceed the
20 lesser of 49 percent of the reasonably anticipated eli-
21 gible project costs or, if the secured loan is not for
22 a small project and does not receive an investment-
23 grade rating, the amount of the senior project obli-
24 gations.

1 (3) PAYMENT.—A secured loan under this sec-
2 tion—

3 (A) shall—

4 (i) be payable, in whole or in part,
5 from—

6 (I) amounts charged to—

7 (aa) subscribers of
8 broadband service for such serv-
9 ice; or

10 (bb) subscribers of any re-
11 lated service provided over the
12 same infrastructure for such re-
13 lated service;

14 (II) user fees;

15 (III) payments owing to the obli-
16 gor under a public-private partner-
17 ship; or

18 (IV) other dedicated revenue
19 sources that also secure the senior
20 project obligations; and

21 (ii) include a coverage requirement or
22 similar security feature supporting the
23 project obligations; and

1 (B) may have a lien on revenues described
2 in subparagraph (A), subject to any lien secur-
3 ing project obligations.

4 (4) INTEREST RATE.—The interest rate on a
5 secured loan under this section shall be not less than
6 the yield on United States Treasury securities of a
7 similar maturity to the maturity of the secured loan
8 on the date of execution of the loan agreement.

9 (5) MATURITY DATE.—The final maturity date
10 of the secured loan shall be the lesser of—

11 (A) 35 years after the date of substantial
12 completion of the project; and

13 (B) if the useful life of the infrastructure
14 for the provision of broadband service being fi-
15 nanced is of a lesser period, the useful life of
16 the infrastructure.

17 (6) NONSUBORDINATION.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), the secured loan shall not be
20 subordinated to the claims of any holder of
21 project obligations in the event of bankruptcy,
22 insolvency, or liquidation of the obligor.

23 (B) PREEXISTING INDENTURE.—

24 (i) IN GENERAL.—The Assistant Sec-
25 retary shall waive the requirement under

1 subparagraph (A) for a public agency bor-
2 rower that is financing ongoing capital
3 programs and has outstanding senior
4 bonds under a preexisting indenture, if—

5 (I) the secured loan—

6 (aa) is rated in the A cat-
7 egory or higher; or

8 (bb) in the case of a small
9 project, meets an alternative
10 standard that the Assistant Sec-
11 retary shall establish under sec-
12 tion 31325 for purposes of this
13 subclause;

14 (II) the secured loan is secured
15 and payable from pledged revenues
16 not affected by project performance,
17 such as a tax-backed revenue pledge
18 or a system-backed pledge of project
19 revenues; and

20 (III) the BIFLA program share
21 of eligible project costs is 33 percent
22 or less.

23 (ii) LIMITATION.—If the Assistant
24 Secretary waives the nonsubordination re-
25 quirement under this subparagraph—

1 (I) the maximum credit subsidy
2 to be paid by the Federal Government
3 shall be not more than 10 percent of
4 the principal amount of the secured
5 loan; and

6 (II) the obligor shall be respon-
7 sible for paying the remainder of the
8 subsidy cost, if any.

9 (7) FEES.—The Assistant Secretary may estab-
10 lish fees at a level sufficient to cover all or a portion
11 of the costs to the Federal Government of making
12 a secured loan under this section.

13 (8) NON-FEDERAL SHARE.—The proceeds of a
14 secured loan under the BIFLA program, if the loan
15 is repayable from non-Federal funds—

16 (A) may be used for any non-Federal share
17 of project costs required under this chapter;
18 and

19 (B) shall not count toward the total Fed-
20 eral assistance provided for a project for pur-
21 poses of paragraph (9).

22 (9) MAXIMUM FEDERAL INVOLVEMENT.—The
23 total Federal assistance provided for a project re-
24 ceiving a loan under the BIFLA program shall not
25 exceed 80 percent of the total project cost.

1 (c) REPAYMENT.—

2 (1) SCHEDULE.—The Assistant Secretary shall
3 establish a repayment schedule for each secured loan
4 under this section based on—

5 (A) the projected cash flow from project
6 revenues and other repayment sources; and

7 (B) the useful life of the infrastructure for
8 the provision of broadband service being fi-
9 nanced.

10 (2) COMMENCEMENT.—Scheduled loan repay-
11 ments of principal or interest on a secured loan
12 under this section shall commence not later than 5
13 years after the date of substantial completion of the
14 project.

15 (3) DEFERRED PAYMENTS.—

16 (A) IN GENERAL.—If, at any time after
17 the date of substantial completion of the
18 project, the project is unable to generate suffi-
19 cient revenues to pay the scheduled loan repay-
20 ments of principal and interest on the secured
21 loan, the Assistant Secretary may, subject to
22 subparagraph (C), allow the obligor to add un-
23 paid principal and interest to the outstanding
24 balance of the secured loan.

1 (B) INTEREST.—Any payment deferred
2 under subparagraph (A) shall—

3 (i) continue to accrue interest in ac-
4 cordance with subsection (b)(4) until fully
5 repaid; and

6 (ii) be scheduled to be amortized over
7 the remaining term of the loan.

8 (C) CRITERIA.—

9 (i) IN GENERAL.—Any payment defer-
10 ral under subparagraph (A) shall be con-
11 tingent on the project meeting criteria es-
12 tablished by the Assistant Secretary.

13 (ii) REPAYMENT STANDARDS.—The
14 criteria established pursuant to clause (i)
15 shall include standards for reasonable as-
16 surance of repayment.

17 (4) PREPAYMENT.—

18 (A) USE OF EXCESS REVENUES.—Any ex-
19 cess revenues that remain after satisfying
20 scheduled debt service requirements on the
21 project obligations and secured loan and all de-
22 posit requirements under the terms of any trust
23 agreement, bond resolution, or similar agree-
24 ment securing project obligations may be ap-

1 plied annually to prepay the secured loan with-
2 out penalty.

3 (B) USE OF PROCEEDS OF REFI-
4 NANCING.—The secured loan may be prepaid at
5 any time without penalty from the proceeds of
6 refinancing from non-Federal funding sources.

7 (d) SALE OF SECURED LOANS.—

8 (1) IN GENERAL.—Subject to paragraph (2), as
9 soon as practicable after substantial completion of a
10 project and after notifying the obligor, the Assistant
11 Secretary may sell to another entity or reoffer into
12 the capital markets a secured loan for the project if
13 the Assistant Secretary determines that the sale or
14 reoffering can be made on favorable terms.

15 (2) CONSENT OF OBLIGOR.—In making a sale
16 or reoffering under paragraph (1), the Assistant
17 Secretary may not change the original terms and
18 conditions of the secured loan without the written
19 consent of the obligor.

20 (e) LOAN GUARANTEES.—

21 (1) IN GENERAL.—The Assistant Secretary
22 may provide a loan guarantee to a lender in lieu of
23 making a secured loan under this section if the As-
24 sistant Secretary determines that the budgetary cost

1 of the loan guarantee is substantially the same as
2 that of a secured loan.

3 (2) TERMS.—The terms of a loan guarantee
4 under paragraph (1) shall be consistent with the
5 terms required under this section for a secured loan,
6 except that the rate on the guaranteed loan and any
7 prepayment features shall be negotiated between the
8 obligor and the lender, with the consent of the As-
9 sistant Secretary.

10 (f) STREAMLINED APPLICATION PROCESS.—

11 (1) IN GENERAL.—The Assistant Secretary
12 shall develop one or more expedited application proc-
13 esses, available at the request of entities seeking se-
14 cured loans under the BIFIA program, that use a
15 set or sets of conventional terms established pursu-
16 ant to this section.

17 (2) TERMS.—In establishing the streamlined
18 application process required by this subsection, the
19 Assistant Secretary may allow for an expedited ap-
20 plication period and include terms such as those that
21 require—

22 (A) that the project be a small project;

23 (B) the secured loan to be secured and
24 payable from pledged revenues not affected by
25 project performance, such as a tax-backed rev-

1 enue pledge, tax increment financing, or a sys-
2 tem-backed pledge of project revenues; and

3 (C) repayment of the loan to commence
4 not later than 5 years after disbursement.

5 **SEC. 31324. LINES OF CREDIT.**

6 (a) IN GENERAL.—

7 (1) AGREEMENTS.—Subject to paragraphs (2)
8 through (4), the Assistant Secretary may enter into
9 agreements to make available to one or more obli-
10 gors lines of credit in the form of direct loans to be
11 made by the Assistant Secretary at future dates on
12 the occurrence of certain events for any project se-
13 lected under section 31322.

14 (2) USE OF PROCEEDS.—The proceeds of a line
15 of credit made available under this section shall be
16 available to pay debt service on project obligations
17 issued to finance eligible project costs, extraordinary
18 repair and replacement costs, operation and mainte-
19 nance expenses, and costs associated with unex-
20 pected Federal or State environmental restrictions.

21 (3) RISK ASSESSMENT.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), before entering into an
24 agreement under this subsection, the Assistant
25 Secretary, in consultation with the Director of

1 the Office of Management and Budget and each
2 rating agency providing a preliminary rating
3 opinion letter under section 31322(b)(2)(A),
4 shall determine an appropriate capital reserve
5 subsidy amount for each line of credit, taking
6 into account the rating opinion letter.

7 (B) SMALL PROJECTS.—Before entering
8 into an agreement under this subsection to
9 make available a line of credit for a small
10 project, the Assistant Secretary, in consultation
11 with the Director of the Office of Management
12 and Budget, shall determine an appropriate
13 capital reserve subsidy amount for each such
14 line of credit, taking into account the alter-
15 native documentation provided under section
16 31322(b)(2)(B) instead of preliminary rating
17 opinion letters provided under section
18 31322(b)(2)(A).

19 (4) INVESTMENT-GRADE RATING REQUIRE-
20 MENT.—The funding of a line of credit under this
21 section shall be contingent on—

22 (A) the senior obligations of the project re-
23 ceiving an investment-grade rating from 2 rat-
24 ing agencies; or

1 (B) in the case of a small project, the
2 project meeting an alternative standard that the
3 Assistant Secretary shall establish under section
4 31325 for purposes of this paragraph.

5 (b) TERMS AND LIMITATIONS.—

6 (1) IN GENERAL.—A line of credit under this
7 section with respect to a project shall be on such
8 terms and conditions and contain such covenants,
9 representations, warranties, and requirements (in-
10 cluding requirements for audits) as the Assistant
11 Secretary determines to be appropriate.

12 (2) MAXIMUM AMOUNTS.—The total amount of
13 a line of credit under this section shall not exceed
14 33 percent of the reasonably anticipated eligible
15 project costs.

16 (3) DRAWS.—Any draw on a line of credit
17 under this section shall—

18 (A) represent a direct loan; and

19 (B) be made only if net revenues from the
20 project (including capitalized interest, but not
21 including reasonably required financing re-
22 serves) are insufficient to pay the costs speci-
23 fied in subsection (a)(2).

24 (4) INTEREST RATE.—The interest rate on a
25 direct loan resulting from a draw on the line of cred-

1 it shall be not less than the yield on 30-year United
2 States Treasury securities, as of the date of execu-
3 tion of the line of credit agreement.

4 (5) SECURITY.—A line of credit issued under
5 this section—

6 (A) shall—

7 (i) be payable, in whole or in part,
8 from—

9 (I) amounts charged to—

10 (aa) subscribers of
11 broadband service for such serv-
12 ice; or

13 (bb) subscribers of any re-
14 lated service provided over the
15 same infrastructure for such re-
16 lated service;

17 (II) user fees;

18 (III) payments owing to the obli-
19 gor under a public-private partner-
20 ship; or

21 (IV) other dedicated revenue
22 sources that also secure the senior
23 project obligations; and

1 (ii) include a coverage requirement or
2 similar security feature supporting the
3 project obligations; and

4 (B) may have a lien on revenues described
5 in subparagraph (A), subject to any lien secur-
6 ing project obligations.

7 (6) PERIOD OF AVAILABILITY.—The full
8 amount of a line of credit under this section, to the
9 extent not drawn upon, shall be available during the
10 10-year period beginning on the date of substantial
11 completion of the project.

12 (7) RIGHTS OF THIRD-PARTY CREDITORS.—

13 (A) AGAINST FEDERAL GOVERNMENT.—A
14 third-party creditor of the obligor shall not have
15 any right against the Federal Government with
16 respect to any draw on a line of credit under
17 this section.

18 (B) ASSIGNMENT.—An obligor may assign
19 a line of credit under this section to—

20 (i) one or more lenders; or

21 (ii) a trustee on the behalf of such a
22 lender.

23 (8) NONSUBORDINATION.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), a direct loan under this sec-

1 tion shall not be subordinated to the claims of
2 any holder of project obligations in the event of
3 bankruptcy, insolvency, or liquidation of the ob-
4 ligor.

5 (B) PRE-EXISTING INDENTURE.—

6 (i) IN GENERAL.—The Assistant Sec-
7 retary shall waive the requirement of sub-
8 paragraph (A) for a public agency bor-
9 rower that is financing ongoing capital
10 programs and has outstanding senior
11 bonds under a preexisting indenture, if—

12 (I) the line of credit—

13 (aa) is rated in the A cat-
14 egory or higher; or

15 (bb) in the case of a small
16 project, meets an alternative
17 standard that the Assistant Sec-
18 retary shall establish under sec-
19 tion 31325 for purposes of this
20 subclause;

21 (II) the BIFIA program loan re-
22 sulting from a draw on the line of
23 credit is payable from pledged reve-
24 nues not affected by project perform-
25 ance, such as a tax-backed revenue

1 pledge or a system-backed pledge of
2 project revenues; and

3 (III) the BIFIA program share
4 of eligible project costs is 33 percent
5 or less.

6 (ii) LIMITATION.—If the Assistant
7 Secretary waives the nonsubordination re-
8 quirement under this subparagraph—

9 (I) the maximum credit subsidy
10 to be paid by the Federal Government
11 shall be not more than 10 percent of
12 the principal amount of the secured
13 loan; and

14 (II) the obligor shall be respon-
15 sible for paying the remainder of the
16 subsidy cost.

17 (9) FEES.—The Assistant Secretary may estab-
18 lish fees at a level sufficient to cover all or a portion
19 of the costs to the Federal Government of providing
20 a line of credit under this section.

21 (10) RELATIONSHIP TO OTHER CREDIT INSTRU-
22 MENTS.—A project that receives a line of credit
23 under this section also shall not receive a secured
24 loan or loan guarantee under section 31323 in an

1 amount that, combined with the amount of the line
2 of credit, exceeds 49 percent of eligible project costs.

3 (c) REPAYMENT.—

4 (1) TERMS AND CONDITIONS.—The Assistant
5 Secretary shall establish repayment terms and condi-
6 tions for each direct loan under this section based
7 on—

8 (A) the projected cash flow from project
9 revenues and other repayment sources; and

10 (B) the useful life of the infrastructure for
11 the provision of broadband service being fi-
12 nanced.

13 (2) TIMING.—All repayments of principal or in-
14 terest on a direct loan under this section shall be
15 scheduled—

16 (A) to commence not later than 5 years
17 after the end of the period of availability speci-
18 fied in subsection (b)(6); and

19 (B) to conclude, with full repayment of
20 principal and interest, by the date that is 25
21 years after the end of the period of availability
22 specified in subsection (b)(6).

1 **SEC. 31325. ALTERNATIVE PRUDENTIAL LENDING STAND-**
2 **ARDS FOR SMALL PROJECTS.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Assistant Secretary shall establish
5 alternative, streamlined prudential lending standards for
6 small projects receiving credit assistance under the BIFIA
7 program to ensure that such projects pose no additional
8 risk to the Federal Government, as compared with
9 projects that are not small projects.

10 **SEC. 31326. PROGRAM ADMINISTRATION.**

11 (a) **REQUIREMENT.**—The Assistant Secretary shall
12 establish a uniform system to service the Federal credit
13 instruments made available under the BIFIA program.

14 (b) **FEEES.**—The Assistant Secretary may collect and
15 spend fees, contingent on authority being provided in ap-
16 propriations Acts, at a level that is sufficient to cover—

17 (1) the costs of services of expert firms retained
18 pursuant to subsection (d); and

19 (2) all or a portion of the costs to the Federal
20 Government of servicing the Federal credit instru-
21 ments.

22 (c) **SERVICER.**—

23 (1) **IN GENERAL.**—The Assistant Secretary
24 may appoint a financial entity to assist the Assistant
25 Secretary in servicing the Federal credit instru-
26 ments.

1 (2) DUTIES.—A servicer appointed under para-
2 graph (1) shall act as the agent for the Assistant
3 Secretary.

4 (3) FEE.—A servicer appointed under para-
5 graph (1) shall receive a servicing fee, subject to ap-
6 proval by the Assistant Secretary.

7 (d) ASSISTANCE FROM EXPERT FIRMS.—The Assist-
8 ant Secretary may retain the services of expert firms, in-
9 cluding counsel, in the field of municipal and project fi-
10 nance to assist in the underwriting and servicing of Fed-
11 eral credit instruments.

12 (e) EXPEDITED PROCESSING.—The Assistant Sec-
13 retary shall implement procedures and measures to econo-
14 mize the time and cost involved in obtaining approval and
15 the issuance of credit assistance under the BIFIA pro-
16 gram.

17 (f) ASSISTANCE TO SMALL PROJECTS.—Of the
18 amount appropriated under section 31329(a), and after
19 the set-aside for administrative expenses under section
20 31329(b), not less than 20 percent shall be made available
21 for the Assistant Secretary to use in lieu of fees collected
22 under subsection (b) for small projects.

23 **SEC. 31327. STATE AND LOCAL PERMITS.**

24 The provision of credit assistance under the BIFIA
25 program with respect to a project shall not—

1 (1) relieve any recipient of the assistance of any
2 obligation to obtain any required State or local per-
3 mit or approval with respect to the project;

4 (2) limit the right of any unit of State or local
5 government to approve or regulate any rate of re-
6 turn on private equity invested in the project; or

7 (3) otherwise supersede any State or local law
8 (including any regulation) applicable to the construc-
9 tion or operation of the project.

10 **SEC. 31328. REGULATIONS.**

11 The Assistant Secretary may promulgate such regula-
12 tions as the Assistant Secretary determines to be appro-
13 priate to carry out the BIFIA program.

14 **SEC. 31329. FUNDING.**

15 (a) APPROPRIATION.—There are appropriated to the
16 Assistant Secretary, out of any money in the Treasury not
17 otherwise appropriated, \$5,000,000,000 to carry out this
18 chapter for fiscal year 2021, to remain available until ex-
19 pended.

20 (b) ADMINISTRATIVE EXPENSES.—Of the amount
21 appropriated under subsection (a), the Assistant Secretary
22 may use not more than 5 percent for the administration
23 of the BIFIA program.

1 **SEC. 31330. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, and every 2 years there-
4 after, the Assistant Secretary shall submit to Congress a
5 report summarizing the financial performance of the
6 projects that are receiving, or have received, assistance
7 under the BIFIA program, including a recommendation
8 as to whether the objectives of the BIFIA program are
9 best served by—

10 (1) continuing the program under the authority
11 of the Assistant Secretary; or

12 (2) establishing a Federal corporation or feder-
13 ally sponsored enterprise to administer the program.

14 (b) APPLICATION PROCESS REPORT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of the enactment of this Act, and annually
17 thereafter, the Assistant Secretary shall submit to
18 the Committee on Energy and Commerce of the
19 House of Representatives and the Committee on
20 Commerce, Science, and Transportation of the Sen-
21 ate a report that includes a list of all of the letters
22 of interest and applications received for assistance
23 under the BIFIA program during the preceding fis-
24 cal year.

25 (2) INCLUSIONS.—

1 (A) IN GENERAL.—Each report under
2 paragraph (1) shall include, at a minimum, a
3 description of, with respect to each letter of in-
4 terest and application included in the report—

5 (i) the date on which the letter of in-
6 terest or application was received;

7 (ii) the date on which a notification
8 was provided to the applicant regarding
9 whether the application was complete or
10 incomplete;

11 (iii) the date on which a revised and
12 completed application was submitted (if
13 applicable);

14 (iv) the date on which a notification
15 was provided to the applicant regarding
16 whether the project was approved or dis-
17 approved; and

18 (v) if the project was not approved,
19 the reason for the disapproval.

20 (B) CORRESPONDENCE.—Each report
21 under paragraph (1) shall include copies of any
22 correspondence provided to the applicant in ac-
23 cordance with section 31322(d).

1 **CHAPTER 3—WI-FI ON SCHOOL BUSES**

2 **SEC. 31341. E-RATE SUPPORT FOR SCHOOL BUS WI-FI.**

3 (a) RULEMAKING.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 Commission shall commence a rulemaking to make
7 the provision of Wi-Fi access on school buses eligible
8 for support under the E-rate program of the Com-
9 mission set forth under subpart F of part 54 of title
10 47, Code of Federal Regulations.

11 (2) ELIGIBLE RECIPIENTS.—Notwithstanding
12 section 254(h)(1)(B) of the Communications Act of
13 1934 (47 U.S.C. 254(h)(1)(B)), the Commission
14 shall provide in the rulemaking under paragraph (1)
15 for State educational agencies, educational service
16 agencies, and local educational agencies to be eligible
17 to receive the support described in such paragraph.

18 (b) DEFINITIONS.—In this section:

19 (1) SCHOOL BUS.—The term “school bus”
20 means a passenger motor vehicle that is—

21 (A) designed to carry a driver and not less
22 than 5 passengers; and

23 (B) used significantly to transport—

24 (i) children enrolled in an early child-
25 hood education program to or from such

1 program or an event related to such pro-
2 gram; or

3 (ii) students enrolled in an elementary
4 school or secondary school to or from such
5 school or an event related to such school.

6 (2) TERMS DEFINED IN ELEMENTARY AND SEC-
7 ONDARY EDUCATION ACT OF 1965.—The terms
8 “early childhood education program”, “educational
9 service agency”, “elementary school”, “local edu-
10 cational agency”, “secondary school”, and “State
11 educational agency” have the meanings given such
12 terms in section 8101 of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C. 7801).

14 **Subtitle D—Community Broadband**

15 **SEC. 31401. STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP,** 16 **AND CO-OP BROADBAND SERVICES.**

17 Section 706 of the Telecommunications Act of 1996
18 (47 U.S.C. 1302) is amended—

19 (1) by redesignating subsection (d) as sub-
20 section (e) and inserting after subsection (e) the fol-
21 lowing:

22 “(d) STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP,
23 AND CO-OP ADVANCED TELECOMMUNICATIONS CAPA-
24 BILITY AND SERVICES.—

1 “(1) IN GENERAL.—No State statute, regula-
2 tion, or other State legal requirement may prohibit
3 or have the effect of prohibiting any public provider,
4 public-private partnership provider, or cooperatively
5 organized provider from providing, to any person or
6 any public or private entity, advanced telecommuni-
7 cations capability or any service that utilizes the ad-
8 vanced telecommunications capability provided by
9 such provider.

10 “(2) ANTIDISCRIMINATION SAFEGUARDS.—

11 “(A) PUBLIC PROVIDERS.—To the extent
12 any public provider regulates competing private
13 providers of advanced telecommunications capa-
14 bility or services that utilize advanced tele-
15 communications capability, such public provider
16 shall apply its ordinances and rules without dis-
17 crimination in favor of itself or any provider
18 that it owns of services that utilize advanced
19 telecommunications capability.

20 “(B) PUBLIC-PRIVATE PARTNERSHIP PRO-
21 VIDERS.—To the extent any State or local enti-
22 ty that is part of a public-private partnership
23 provider regulates competing private providers
24 of advanced telecommunications capability or
25 services that utilize advanced telecommuni-

1 cations capability, such State or local entity
2 shall apply its ordinances and rules without dis-
3 crimination in favor of such public-private part-
4 nership provider or any provider that such
5 State or local entity or public-private partner-
6 ship provider owns of services that utilize ad-
7 vanced telecommunications capability.

8 “(3) SAVINGS CLAUSE.—Nothing in this sub-
9 section shall exempt a public provider, public-private
10 partnership provider, or cooperatively organized pro-
11 vider from any Federal or State telecommunications
12 law or regulation that applies to all providers of ad-
13 vanced telecommunications capability or services
14 that utilize such advanced telecommunications capa-
15 bility.”; and

16 (2) in subsection (e), as redesignated—

17 (A) in the matter preceding paragraph (1),
18 by striking “this subsection” and inserting
19 “this section”;

20 (B) by redesignating paragraph (2) as
21 paragraph (3);

22 (C) by inserting after paragraph (1) the
23 following:

24 “(2) COOPERATIVELY ORGANIZED PROVIDER.—

25 The term ‘cooperatively organized provider’ means

1 an entity that is treated as a cooperative under Fed-
2 eral tax law and that provides advanced tele-
3 communications capability, or any service that uti-
4 lizes such advanced telecommunications capability,
5 to any person or public or private entity.”; and

6 (D) by adding at the end the following:

7 “(4) PUBLIC PROVIDER.—The term ‘public pro-
8 vider’ means a State or local entity that provides ad-
9 vanced telecommunications capability, or any service
10 that utilizes such advanced telecommunications ca-
11 pability, to any person or public or private entity.

12 “(5) PUBLIC-PRIVATE PARTNERSHIP PRO-
13 VIDER.—The term ‘public-private partnership pro-
14 vider’ means a public-private partnership, between a
15 State or local entity and a private entity, that pro-
16 vides advanced telecommunications capability, or any
17 service that utilizes such advanced telecommuni-
18 cations capability, to any person or public or private
19 entity.

20 “(6) STATE OR LOCAL ENTITY.—The term
21 ‘State or local entity’ means a State or political sub-
22 division thereof, any agency, authority, or instru-
23 mentality of a State or political subdivision thereof,
24 or an Indian tribe (as defined in section 4(e) of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304(e)).”.

3 **Subtitle E—Repeal of Rule and**
4 **Prohibition on Use of NPRM**

5 **SEC. 31501. REPEAL OF RULE AND PROHIBITION ON USE OF**
6 **NPRM.**

7 (a) REPEAL OF RULE.—The Fourth Report and
8 Order, Order on Reconsideration, Memorandum Opinion
9 and Order, Notice of Proposed Rulemaking, and Notice
10 of Inquiry in the matter of bridging the digital divide for
11 low-income consumers, lifeline and link up reform and
12 modernization, telecommunications carriers eligible for
13 universal service support that was adopted by the Commis-
14 sion on November 16, 2017 (FCC 17–155) shall have no
15 force or effect.

16 (b) RULEMAKING IN RELIANCE ON UNIVERSAL
17 SERVICE CONTRIBUTION METHODOLOGY NPRM PROHIB-
18 ITED.—Beginning on the date of the enactment of this
19 Act, the Commission may not rely on the Notice of Pro-
20 posed Rulemaking in the matter of universal service con-
21 tribution methodology that was adopted by the Commis-
22 sion on May 15, 2019 (FCC 19–46), to satisfy the require-
23 ments of section 553 of title 5, United States Code, for
24 adopting, amending, revoking, or otherwise modifying any

1 rule (as defined in section 551 of such title) of the Com-
2 mission.

3 **Subtitle F—Next Generation 9–1–1**

4 **SEC. 31601. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the 9–1–1 professionals in the United
7 States perform important and lifesaving work every
8 day, and need the tools and communications tech-
9 nologies to perform the work effectively in a world
10 with digital communications technologies;

11 (2) the transition from the legacy communica-
12 tions technologies used in the 9–1–1 systems of the
13 United States to Next Generation 9–1–1 is a na-
14 tional priority and a national imperative;

15 (3) the United States should complete the tran-
16 sition described in paragraph (2) as soon as prac-
17 ticable;

18 (4) the United States should develop a nation-
19 wide framework that facilitates cooperation among
20 Federal, State, and local officials on deployment of
21 Next Generation 9–1–1 in order to meet that goal;

22 (5) the term “Public Safety Answering Point”
23 becomes outdated in a broadband environment and
24 9–1–1 centers are increasingly and appropriately

1 being referred to as emergency communications cen-
2 ters; and

3 (6) 9–1–1 authorities and emergency commu-
4 nications centers should have sufficient resources to
5 implement Next Generation 9–1–1, including re-
6 sources to support associated geographic information
7 systems (commonly known as “GIS”), and cyberse-
8 curity measures.

9 **SEC. 31602. STATEMENT OF POLICY.**

10 It is the policy of the United States that—

11 (1) Next Generation 9–1–1 should be techno-
12 logically and competitively neutral;

13 (2) Next Generation 9–1–1 should be interoper-
14 able;

15 (3) the governance and control of the 9–1–1
16 systems of the United States, including Next Gen-
17 eration 9–1–1, should remain at the State, regional,
18 and local level; and

19 (4) individuals in the United States should re-
20 ceive information on how to best utilize Next Gen-
21 eration 9–1–1 and on its capabilities and usefulness.

22 **SEC. 31603. COORDINATION OF NEXT GENERATION 9–1–1 IM-
23 PLEMENTATION.**

24 Part C of title I of the National Telecommunications
25 and Information Administration Organization Act (47

1 U.S.C. 901 et seq.) is amended by adding at the end the
2 following:

3 **“SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IM-**
4 **PLEMENTATION.**

5 “(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMEN-
6 TATION COORDINATION OFFICE.—

7 “(1) AUTHORITY.—The Office shall implement
8 the provisions of this section.

9 “(2) MANAGEMENT PLAN.—

10 “(A) DEVELOPMENT.—The Assistant Sec-
11 retary and the Administrator shall develop and
12 may modify a management plan for the grant
13 program established under this section, includ-
14 ing by developing—

15 “(i) plans related to the organiza-
16 tional structure of such program; and

17 “(ii) funding profiles for each fiscal
18 year of the duration of such program.

19 “(B) SUBMISSION TO CONGRESS.—Not
20 later than 90 days after the date of the enact-
21 ment of this section or 90 days after the date
22 on which the plan is modified, as applicable, the
23 Assistant Secretary and the Administrator shall
24 submit the management plan developed under
25 subparagraph (A) to—

1 “(i) the Committees on Commerce,
2 Science, and Transportation and Appro-
3 priations of the Senate; and

4 “(ii) the Committees on Energy and
5 Commerce and Appropriations of the
6 House of Representatives.

7 “(3) PURPOSE OF OFFICE.—The Office shall—

8 “(A) take actions, in concert with coordi-
9 nators designated in accordance with subsection
10 (b)(3)(A)(ii), to improve coordination and com-
11 munication with respect to the implementation
12 of Next Generation 9–1–1;

13 “(B) develop, collect, and disseminate in-
14 formation concerning practices, procedures, and
15 technology used in the implementation of Next
16 Generation 9–1–1;

17 “(C) advise and assist eligible entities in
18 the preparation of implementation plans re-
19 quired under subsection (b)(3)(A)(iii);

20 “(D) receive, review, and recommend the
21 approval or disapproval of applications for
22 grants under subsection (b); and

23 “(E) oversee the use of funds provided by
24 such grants in fulfilling such implementation
25 plans.

1 “(4) REPORTS.—The Assistant Secretary and
2 the Administrator shall provide an annual report to
3 Congress by the first day of October of each year on
4 the activities of the Office to improve coordination
5 and communication with respect to the implementa-
6 tion of Next Generation 9–1–1.

7 “(b) NEXT GENERATION 9–1–1 IMPLEMENTATION
8 GRANTS.—

9 “(1) MATCHING GRANTS.—The Assistant Sec-
10 retary and the Administrator, acting through the Of-
11 fice, shall provide grants to eligible entities for—

12 “(A) the implementation of Next Genera-
13 tion 9–1–1;

14 “(B) establishing and maintaining Next
15 Generation 9–1–1;

16 “(C) training directly related to Next Gen-
17 eration 9–1–1;

18 “(D) public outreach and education on how
19 best to use Next Generation 9–1–1 and on its
20 capabilities and usefulness; and

21 “(E) administrative costs associated with
22 planning and implementation of Next Genera-
23 tion 9–1–1, including costs related to planning
24 for and preparing an application and related
25 materials as required by this section, if—

1 “(i) such costs are fully documented
2 in materials submitted to the Office; and

3 “(ii) such costs are reasonable and
4 necessary and do not exceed 5 percent of
5 the total grant award.

6 “(2) MATCHING REQUIREMENT.—The Federal
7 share of the cost of a project eligible for a grant
8 under this section shall not exceed 80 percent.

9 “(3) COORDINATION REQUIRED.—In providing
10 grants under paragraph (1), the Assistant Secretary
11 and the Administrator shall require an eligible entity
12 to certify in its application that—

13 “(A) in the case of an eligible entity that
14 is a State, the entity—

15 “(i) has coordinated the application
16 with the emergency communications cen-
17 ters located within the jurisdiction of such
18 entity;

19 “(ii) has designated a single officer or
20 governmental body to serve as the State
21 point of contact to coordinate the imple-
22 mentation of Next Generation 9–1–1 for
23 that State, except that such designation
24 need not vest such coordinator with direct
25 legal authority to implement Next Genera-

1 tion 9–1–1 or to manage emergency com-
2 munications operations; and

3 “(iii) has developed and submitted a
4 State plan for the coordination and imple-
5 mentation of Next Generation 9–1–1
6 that—

7 “(I) ensures interoperability by
8 requiring the use of commonly accept-
9 ed standards;

10 “(II) enables emergency commu-
11 nications centers to process, analyze,
12 and store multimedia, data, and other
13 information;

14 “(III) incorporates the use of ef-
15 fective cybersecurity resources;

16 “(IV) uses open and competitive
17 request for proposal processes, or the
18 applicable State equivalent, for de-
19 ployment of Next Generation 9–1–1;

20 “(V) includes input from relevant
21 emergency communications centers,
22 regional authorities, local authorities,
23 and Tribal authorities; and

24 “(VI) includes a governance body
25 or bodies, either by creation of new or

1 use of existing body or bodies, for the
2 development and deployment of Next
3 Generation 9–1–1 that—

4 “(aa) includes relevant
5 stakeholders; and

6 “(bb) consults and coordi-
7 nates with the State point of con-
8 tact required by clause (ii); or

9 “(B) in the case of an eligible entity that
10 is not a State, the entity has complied with
11 clauses (i) and (iii) of subparagraph (A), and
12 the State in which the entity is located has
13 complied with clause (ii) of such subparagraph.

14 “(4) CRITERIA.—

15 “(A) IN GENERAL.—Not later than 9
16 months after the date of enactment of this sec-
17 tion, the Assistant Secretary and the Adminis-
18 trator shall issue regulations, after providing
19 the public with notice and an opportunity to
20 comment, prescribing the criteria for selection
21 for grants under this section.

22 “(B) REQUIREMENTS.—The criteria
23 shall—

24 “(i) include performance requirements
25 and a schedule for completion of any

1 project to be financed by a grant under
2 this section; and

3 “(ii) specifically permit regional or
4 multi-State applications for funds.

5 “(C) UPDATES.—The Assistant Secretary
6 and the Administrator shall update such regula-
7 tions as necessary.

8 “(5) GRANT CERTIFICATIONS.—Each applicant
9 for a grant under this section shall certify to the As-
10 sistant Secretary and the Administrator at the time
11 of application, and each applicant that receives such
12 a grant shall certify to the Assistant Secretary and
13 the Administrator annually thereafter during any pe-
14 riod of time the funds from the grant are available
15 to the applicant, that—

16 “(A) no portion of any designated 9–1–1
17 charges imposed by a State or other taxing ju-
18 risdiction within which the applicant is located
19 are being obligated or expended for any purpose
20 other than the purposes for which such charges
21 are designated or presented during the period
22 beginning 180 days immediately preceding the
23 date on which the application was filed and con-
24 tinuing through the period of time during which

1 the funds from the grant are available to the
2 applicant;

3 “(B) any funds received by the applicant
4 will be used to support deployment of Next
5 Generation 9–1–1 that ensures interoperability
6 by requiring the use of commonly accepted
7 standards;

8 “(C) the State in which the applicant re-
9 sides has established, or has committed to es-
10 tablish no later than 3 years following the date
11 on which the funds are distributed to the appli-
12 cant, a sustainable funding mechanism for Next
13 Generation 9–1–1 to be deployed pursuant to
14 the grant;

15 “(D) the applicant will promote interoper-
16 ability between Next Generation 9–1–1 emer-
17 gency communications centers and emergency
18 response providers including users of the na-
19 tionwide public safety broadband network im-
20 plemented by the First Responder Network Au-
21 thority;

22 “(E) the applicant has or will take steps to
23 coordinate with adjoining States to establish
24 and maintain Next Generation 9–1–1; and

1 “(F) the applicant has developed a plan for
2 public outreach and education on how to best
3 use Next Generation 9–1–1 and on its capabili-
4 ties and usefulness.

5 “(6) CONDITION OF GRANT.—Each applicant
6 for a grant under this section shall agree, as a con-
7 dition of receipt of the grant, that if the State or
8 other taxing jurisdiction within which the applicant
9 is located, during any period of time during which
10 the funds from the grant are available to the appli-
11 cant, fails to comply with the certifications required
12 under paragraph (5), all of the funds from such
13 grant shall be returned to the Office.

14 “(7) PENALTY FOR PROVIDING FALSE INFOR-
15 MATION.—Any applicant that provides a certification
16 under paragraph (5) knowing that the information
17 provided in the certification was false shall—

18 “(A) not be eligible to receive the grant
19 under this subsection;

20 “(B) return any grant awarded under this
21 subsection during the time that the certification
22 was not valid; and

23 “(C) not be eligible to receive any subse-
24 quent grants under this subsection.

1 “(8) PROHIBITION.—No grant funds under this
2 subsection may be used—

3 “(A) for any component of the Nationwide
4 Public Safety Broadband Network; or

5 “(B) to make any payments to a person
6 who has been, for reasons of national security,
7 prohibited by any entity of the Federal Govern-
8 ment from bidding on a contract, participating
9 in an auction, or receiving a grant.

10 “(c) FUNDING AND TERMINATION.—

11 “(1) IN GENERAL.—In addition to any funds
12 authorized for grants under section 158, there is au-
13 thorized to be appropriated \$12,000,000,000 for fis-
14 cal years 2021 through 2025.

15 “(2) ADMINISTRATIVE COSTS.—The Office may
16 use up to 5 percent of the funds authorized under
17 this subsection for reasonable and necessary admin-
18 istrative costs associated with the grant program.

19 “(d) DEFINITIONS.—In this section:

20 “(1) 9–1–1 REQUEST FOR EMERGENCY ASSIST-
21 ANCE.—The term ‘9–1–1 request for emergency as-
22 sistance’ means a communication, such as voice,
23 text, picture, multimedia, or any other type of data
24 that is sent to an emergency communications center
25 for the purpose of requesting emergency assistance.

1 “(2) COMMONLY ACCEPTED STANDARDS.—The
2 term ‘commonly accepted standards’ means—

3 “(A) the technical standards followed by
4 the communications industry for network, de-
5 vice, and Internet Protocol connectivity, includ-
6 ing but not limited to, standards developed by
7 the Third Generation Partnership Project
8 (3GPP), the Institute of Electrical and Elec-
9 tronics Engineers (IEEE), the Alliance for
10 Telecommunications Industry Solutions (ATIS),
11 the Internet Engineering Taskforce (IETF),
12 and the International Telecommunications
13 Union (ITU); and

14 “(B) standards that are accredited by a
15 recognized authority such as the American Na-
16 tional Standards Institute (ANSI).

17 “(3) DESIGNATED 9–1–1 CHARGES.—The term
18 ‘designated 9–1–1 charges’ means any taxes, fees, or
19 other charges imposed by a State or other taxing ju-
20 risdiction that are designated or presented as dedi-
21 cated to deliver or improve 9–1–1 services, E9–1–1
22 services, or Next Generation 9–1–1.

23 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’—

1 “(A) means a State, local government, or
2 a tribal organization (as defined in section 4(l)
3 of the Indian Self-Determination and Education
4 Assistance Act (25 U.S.C. 450b(l));

5 “(B) includes public authorities, boards,
6 commissions, and similar bodies created by one
7 or more eligible entities described in subpara-
8 graph (A) to coordinate or provide Next Gen-
9 eration 9–1–1; and

10 “(C) does not include any entity that has
11 failed to submit—

12 “(i) the certifications required under
13 subsection (b)(5); and

14 “(ii) the most recently required cer-
15 tification under subsection (c) within 30
16 days after the date on which such certifi-
17 cation is due.

18 “(5) EMERGENCY COMMUNICATIONS CENTER.—

19 The term ‘emergency communications center’ means
20 a facility that is designated to receive a 9–1–1 re-
21 quest for emergency assistance and perform one or
22 more of the following functions:

23 “(A) Process and analyze 9–1–1 requests
24 for emergency assistance and other gathered in-
25 formation.

1 “(B) Dispatch appropriate emergency re-
2 sponse providers.

3 “(C) Transfer or exchange 9–1–1 requests
4 for emergency assistance and other gathered in-
5 formation with other emergency communica-
6 tions centers and emergency response providers.

7 “(D) Analyze any communications received
8 from emergency response providers.

9 “(E) Support incident command functions.

10 “(6) EMERGENCY RESPONSE PROVIDER.—The
11 term ‘emergency response provider’ has the meaning
12 given that term under section 2 of the Homeland Se-
13 curity Act (47 U.S.C. 101(6)), emergency response
14 providers includes Federal, State, and local govern-
15 mental and nongovernmental emergency public safe-
16 ty, fire, law enforcement, emergency response, emer-
17 gency medical (including hospital emergency facili-
18 ties), and related personnel, agencies, and authori-
19 ties).

20 “(7) INTEROPERABLE.—The term ‘interop-
21 erable’ or ‘interoperability’ means the capability of
22 emergency communications centers to receive 9–1–1
23 requests for emergency assistance and related data
24 such as location information and callback numbers
25 from the public, then process and share the 9–1–1

1 requests for emergency assistance and related data
2 with other emergency communications centers and
3 emergency response providers, regardless of jurisdic-
4 tion, equipment, device, software, service provider, or
5 other relevant factors, and without the need for pro-
6 prietary interfaces.

7 “(8) NATIONWIDE.—The term ‘nationwide’
8 means all states of the United States, the District
9 of Columbia, Puerto Rico, American Samoa, Guam,
10 the United States Virgin Islands, the Northern Mar-
11 iana Islands, any other territory or possession of the
12 United States, and each federally recognized Indian
13 Tribe.

14 “(9) NATIONWIDE PUBLIC SAFETY BROADBAND
15 NETWORK.—The term ‘nationwide public safety
16 broadband network’ has the meaning given the term
17 in section 6001 of the Middle Class Tax Relief and
18 Job Creation Act of 2012 (47 U.S.C. 1401).

19 “(10) NEXT GENERATION 9–1–1.—The term
20 Next Generation 9–1–1 means an interoperable, se-
21 cure, Internet Protocol-based system that—

22 “(A) employs commonly accepted stand-
23 ards;

24 “(B) enables the appropriate emergency
25 communications centers to receive, process, and

1 analyze all types of 9–1–1 requests for emer-
2 gency assistance;

3 “(C) acquires and integrates additional in-
4 formation useful to handling 9–1–1 requests for
5 emergency assistance; and

6 “(D) supports sharing information related
7 to 9–1–1 requests for emergency assistance
8 among emergency communications centers and
9 emergency response providers.

10 “(11) OFFICE.—The term ‘Office’ means the
11 Next Generation 9–1–1 Implementation Coordina-
12 tion Office established under section 158 of this
13 title.

14 “(12) STATE.—The term ‘State’ means any
15 State of the United States, the District of Columbia,
16 Puerto Rico, American Samoa, Guam, the United
17 States Virgin Islands, the Northern Mariana Is-
18 lands, and any other territory or possession of the
19 United States.

20 “(13) SUSTAINABLE FUNDING MECHANISM.—
21 The term ‘sustainable funding mechanism’ means a
22 funding mechanism that provides adequate revenues
23 to cover ongoing expenses, including operations,
24 maintenance, and upgrades.”.

1 **SEC. 31604. SAVINGS PROVISION.**

2 Nothing in this subtitle or any amendment made by
3 this subtitle shall affect any application pending or grant
4 awarded under section 158 of the National Telecommuni-
5 cations and Information Administration Organization Act
6 (47 U.S.C. 942) prior to date of the enactment of this
7 Act.

8 **TITLE II—MOTOR VEHICLE**
9 **SAFETY**

10 **SEC. 32001. SAFETY WARNING FOR OCCUPANTS OF HOT**
11 **CARS.**

12 (a) OCCUPANT SAFETY.—

13 (1) IN GENERAL.—Chapter 301 of title 49,
14 United States Code, is amended by inserting after
15 section 30128 the following:

16 **“§ 30129. Occupant safety**

17 **“(a) DEFINITIONS.—**In this section:

18 **“(1) PASSENGER MOTOR VEHICLE.—**The term
19 ‘passenger motor vehicle’ has the meaning given that
20 term in section 32101.

21 **“(2) SECRETARY.—**The term ‘Secretary’ means
22 the Secretary of Transportation.

23 **“(b) RULEMAKING.—**Not later than 2 years after the
24 date of the enactment of this section, the Secretary shall
25 issue a final rule prescribing a motor vehicle safety stand-
26 ard that requires all new passenger motor vehicles with

1 a gross vehicle weight of 10,000 pounds or less to be
2 equipped with a system to detect the presence of an occu-
3 pant in the passenger compartment of the vehicle when
4 the vehicle engine or motor is deactivated and engage a
5 warning.

6 “(c) LIMITATION ON CAPABILITY OF BEING DIS-
7 ABLED.—The motor vehicle safety standard prescribed
8 under subsection (b) shall require that the system installed
9 in a new passenger motor vehicle cannot be disabled, over-
10 ridden, reset, or recalibrated in such a way that the system
11 will no longer detect the presence of an occupant in the
12 passenger compartment of the vehicle when the vehicle en-
13 gine or motor is deactivated and engage a warning.

14 “(d) MEANS.—

15 “(1) IN GENERAL.—The warning required
16 under the motor vehicle safety standard prescribed
17 under subsection (b)—

18 “(A) shall include a distinct auditory and
19 visual warning to notify individuals inside and
20 outside of the vehicle of the presence of an oc-
21 cupant, which shall be combined with an inte-
22 rior haptic warning; and

23 “(B) shall be activated when the vehicle
24 engine or motor is deactivated and the presence
25 of an occupant is detected.

1 “(2) CONSIDERATION.—In developing such
2 warning, the Secretary shall also consider including
3 a secondary additional alert to notify operators that
4 are not in close proximity to the vehicle.

5 “(e) COMPLIANCE.—The rule issued under subsection
6 (b) shall require full compliance with the motor vehicle
7 safety standard prescribed in the rule not later than 2
8 years after the date on which the final rule is issued.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions for chapter 301 of title 49, United States
11 Code, is amended by inserting after the item relating
12 to section 30128 the following:

“30129. Occupant safety.”.

13 (b) STUDY.—

14 (1) INDEPENDENT STUDY.—

15 (A) CONTRACT.—Not later than 90 days
16 after issuing the final rule under section
17 30129(b) of title 49, United States Code, as
18 added by subsection (a)(1), the Secretary shall
19 enter into a contract with an independent third
20 party to perform the services under this sub-
21 paragraph.

22 (B) STUDY.—

23 (i) IN GENERAL.—Under the contract
24 between the Secretary and an independent
25 third party under this subparagraph, the

1 independent third party shall carry out a
2 study on retrofitting existing passenger
3 motor vehicles with technology that meets
4 the safety need addressed by the motor ve-
5 hicle safety standard prescribed under such
6 section 30129(b) of title 49, United States
7 Code, as added by subsection (a)(1).

8 (ii) ELEMENTS.—In carrying out the
9 study required under clause (i), the inde-
10 pendent third party shall—

11 (I) survey and evaluate a variety
12 of methods used by current and
13 emerging technology or products to
14 solve the problem of occupants being
15 left unattended in vehicles and occu-
16 pants independently accessing unoccu-
17 pied vehicles;

18 (II) make recommendations for
19 manufacturers of such technology or
20 products to undergo a functional safe-
21 ty performance assessment to ensure
22 that the products perform as designed
23 by the manufacturer under a variety
24 of real-world conditions; and

1 (III) provide recommendations
2 for consumers on how to select such
3 technology or products in order to ret-
4 rofit existing vehicles.

5 (iii) AVAILABILITY THROUGH NHTSA
6 WEBSITE.—The Secretary shall make the
7 recommendations provided under clause
8 (ii)(III) available to the public through the
9 website of the National Highway Traffic
10 Safety Administration.

11 (2) PUBLICATION; PUBLIC COMMENT.—Not
12 later than 2 years after the date on which the Sec-
13 retary issues the final rule under section 30129(b)
14 of title 49, United States Code, as added by sub-
15 section (a)(1), the Secretary shall—

16 (A) publish the study required under para-
17 graph (1)(B) in the Federal Register; and

18 (B) provide a period for public comment of
19 not longer than 90 days after the study is pub-
20 lished under subparagraph (A).

21 (3) SUBMISSION TO CONGRESS.—Not later than
22 90 days after the conclusion of the public comment
23 period under paragraph (2)(B), the Secretary shall
24 publish in the Federal Register and submit to the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate and the Committee on Energy
2 and Commerce of the House of Representatives the
3 study required by paragraph (1)(B). The submission
4 shall include all public comments in response to the
5 study received by the Secretary upon publication in
6 the Federal Register.

7 (4) DEFINITIONS.—In this paragraph—

8 (A) the term “child restraint system” has
9 the meaning given that term in section 571.213
10 of title 49, Code of Federal Regulations (or any
11 successor regulation);

12 (B) the term “independent third party”
13 means a person who does not have any financial
14 or contractual ties with any person producing
15 or supplying equipment for occupant detection
16 or reminder warning systems, child restraint
17 systems, or passenger motor vehicles;

18 (C) the term “passenger motor vehicle”
19 has the meaning given that term in section
20 32101 of title 49, United States Code; and

21 (D) the term “Secretary” means the Sec-
22 retary of Transportation.

23 **SEC. 32002. PROTECTING AMERICANS FROM THE RISKS OF**
24 **KEYLESS IGNITION TECHNOLOGY.**

25 (a) DEFINITIONS.—In this section—

1 (1) the term “electric vehicle”—

2 (A) means a vehicle that does not include
3 an engine and is powered solely by an external
4 source of electricity, solar power, or both; and

5 (B) does not include an electric hybrid ve-
6 hicle that uses a chemical fuel such as gasoline
7 or diesel fuel;

8 (2) the term “key” has the meaning given the
9 term in section 571.114 of title 49, Code of Federal
10 Regulations (or successor regulations);

11 (3) the term “manufacturer” has the meaning
12 given the term in section 30102(a) of title 49,
13 United States Code;

14 (4) The term “motor vehicle”

15 (A) has the meaning given the term in sec-
16 tion 30102(a) of title 49, United States Code;
17 and

18 (B) does not include—

19 (i) a motorcycle or trailer (as those
20 terms are defined in section 571.3 of title
21 49, Code of Federal Regulations) (or suc-
22 cessor regulations);

23 (ii) any motor vehicle that is rated at
24 more than 10,000 pounds gross vehicular
25 weight; or

1 (iii) an electric vehicle.

2 (5) The term “Secretary” means the Secretary
3 of Transportation.

4 (b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VE-
5 HICLES.—

6 (1) FINAL RULE.—

7 (A) IN GENERAL.—Not later than 2 years
8 after the date of enactment of this section, the
9 Secretary shall issue a final rule amending sec-
10 tion 571.114 of title 49, Code of Federal Regu-
11 lations (relating to Federal Motor Vehicle Safe-
12 ty Standard Number 114), to require manufac-
13 turers to install technology in each motor vehi-
14 cle equipped with a keyless ignition device and
15 an internal combustion engine to automatically
16 shut off the motor vehicle after the motor vehi-
17 cle has idled for the period designated under
18 subparagraph (B).

19 (B) PERIOD DESCRIBED.—

20 (i) IN GENERAL.—The period referred
21 to in subparagraph (A) is the period des-
22 ignated by the Administrator of the Na-
23 tional Highway Traffic Safety Administra-
24 tion as necessary to prevent carbon mon-
25 oxide poisoning.

1 (ii) DIFFERENT PERIODS.—The Ad-
2 ministrator of the National Highway Traf-
3 fic Safety Administration may designate
4 different periods under clause (i) for dif-
5 ferent types of motor vehicles, depending
6 on the rate at which the motor vehicle
7 emits carbon monoxide, if—

8 (I) the Administrator determines
9 a different period is necessary for a
10 type of motor vehicle for purposes of
11 section 30111 of title 49, United
12 States Code; and

13 (II) requiring a different period
14 for a type of motor vehicle is con-
15 sistent with the prevention of carbon
16 monoxide poisoning.

17 (2) DEADLINE.—The rule under paragraph (1)
18 shall become effective not later than 2 years after
19 the date on which the Secretary issues the rule.

20 (c) PREVENTING MOTOR VEHICLES FROM ROLLING
21 AWAY.—

22 (1) REQUIREMENT.—Not later than 2 years
23 after the date of enactment of this section, the Sec-
24 retary shall issue a final rule amending part 571 of
25 title 49, Code of Federal Regulations, requiring

1 manufacturers to install technology in motor vehicles
2 equipped with keyless ignition devices and automatic
3 transmissions to prevent movement of the motor ve-
4 hicle if—

5 (A) the transmission of the motor vehicle
6 is not in the park setting;

7 (B) the motor vehicle does not exceed the
8 speed determined by the Secretary under para-
9 graph (2);

10 (C) the door for the operator of the motor
11 vehicle is open;

12 (D) the seat belt of the operator of the
13 motor vehicle is unbuckled; and

14 (E) the service brake of the motor vehicle
15 is not engaged.

16 (2) DETERMINATION.—The Secretary shall de-
17 termine the maximum speed at which a motor vehi-
18 cle may be safely locked in place under the condi-
19 tions described in subparagraphs (A), (C), (D), and
20 (E) of paragraph (1) to prevent vehicle rollaways.

21 (3) DEADLINE.—The rule under paragraph (1)
22 shall become effective not later than 2 years after
23 the date on which the Secretary issues such rule.

24 **SEC. 32003. 21ST CENTURY SMART CARS.**

25 (a) CRASH AVOIDANCE RULEMAKING.—

1 (1) IN GENERAL.—Subchapter II of chapter
2 301 of title 49, United States Code, is amended by
3 adding at the end the following:

4 **“§ 30130. Crash avoidance rulemaking**

5 “(a) IN GENERAL.—Not later than 2 years after the
6 date of enactment of this section, the Secretary shall issue
7 final rules prescribing Federal motor vehicle safety stand-
8 ards that—

9 “(1) establish minimum performance require-
10 ments for the crash avoidance technologies described
11 in subsection (b); and

12 “(2) require all new passenger motor vehicles
13 manufactured for sale in the United States, intro-
14 duced or delivered for introduction in interstate com-
15 merce, or imported into the United States to be
16 equipped with the crash avoidance technologies de-
17 scribed in subsection (b).

18 “(b) CRASH AVOIDANCE TECHNOLOGIES.—The Sec-
19 retary shall issue Federal motor vehicle safety standards
20 for each of the following crash avoidance technologies—

21 “(1) forward collision warning and automatic
22 emergency braking, including crash imminent brak-
23 ing and dynamic brake support, that detects poten-
24 tial collisions with a vehicle, object, pedestrian, bicy-
25 clist, and other vulnerable road user while the vehi-

1 cle is traveling forward, provides a warning to the
2 driver, and automatically applies the brakes to avoid
3 or mitigate the severity of an impact;

4 “(2) rear automatic emergency braking that de-
5 tects a potential collision with a vehicle, object, pe-
6 destrian, bicyclist, and other vulnerable road user
7 while a vehicle is moving in reverse and automati-
8 cally applies the brakes to avoid or mitigate the se-
9 verity of an impact;

10 “(3) rear cross traffic warning that detects ve-
11 hicles, objects, pedestrians, bicyclists, and other vul-
12 nerable road users approaching from the side and
13 rear of a vehicle as it moves in reverse and alerts
14 the driver;

15 “(4) lane departure warning that monitors a ve-
16 hicle’s position in its lane and alerts the driver as
17 the vehicle approaches or crosses lane markers; and

18 “(5) blind spot warning that detects a vehicle,
19 object, pedestrian, bicyclist, and other vulnerable
20 road user to the side or rear of a vehicle and alerts
21 the driver to their presence, including when a driver
22 attempts to change the course of travel toward an-
23 other vehicle or road user in the blind zone of the
24 vehicle.

1 “(c) CONSIDERATIONS.—In prescribing the Federal
2 motor vehicle safety standards required in subsection (a),
3 the Secretary shall ensure that the crash avoidance tech-
4 nologies perform effectively at speeds for which a pas-
5 senger motor vehicle is reasonably expected to operate, in-
6 cluding on city streets and highways.

7 “(d) COMPLIANCE DATE.—The compliance date of
8 the standards prescribed under subsection (a) shall not ex-
9 ceed more than 2 model years from the date final rules
10 are issued.

11 “(e) HEADLAMPS.—

12 “(1) Not later than 2 years after the date of
13 enactment of this section, the Secretary shall issue
14 a final rule that revises Federal motor vehicle safety
15 standard 108 to—

16 “(A) improve illumination of the roadway;

17 “(B) prevent glare;

18 “(C) establish minimum performance
19 standards for—

20 “(i) semi-automatic headlamp beam
21 switching; and

22 “(ii) curve adaptive headlamps.

23 “(2) The compliance date of the revised stand-
24 ard prescribed under paragraph (1) shall not exceed
25 more than 2 model years from the effective date.

1 “(3) Not later than 1 year after the date of en-
2 actment of this section, the Secretary shall finalize
3 the Rulemaking (83 Fed. Reg. 51766) to permit the
4 certification of adaptive driving beam headlighting
5 systems.

6 “(f) DEFINITIONS.—In this section:

7 “(1) CRASH AVOIDANCE.—The term ‘crash
8 avoidance’ has the meaning given that term in sec-
9 tion 32301.

10 “(2) PASSENGER MOTOR VEHICLE.—The term
11 ‘passenger motor vehicle’ has the meaning given to
12 that term in section 32101.”.

13 (2) CONFORMING AMENDMENT.—The table of
14 sections for subchapter II of chapter 301 of title 49,
15 United States Code, is further amended by adding
16 after the item relating to section 30129 (as added
17 by section 32002(a)(2)) the following:

 “30130. Crash avoidance rulemaking.”.

18 (b) RESEARCH OF ADVANCED CRASH SYSTEMS.—

19 (1) IN GENERAL.—Subchapter II of chapter
20 301 of title 49, United States Code, as amended by
21 section(a)(1), is further amended by adding at the
22 end the following:

23 **“§ 30131. Advanced crash systems research and con-
24 sumer education**

25 “(a) ADVANCED CRASH SYSTEMS RESEARCH.—

1 “(1) Not later than 2 years after the date of
2 enactment of this section, the Secretary shall com-
3 plete research into the following:

4 “(A) Driver monitoring systems that will
5 minimize driver disengagement, prevent auto-
6 mation complacency, and account for foresee-
7 able misuse of the automation.

8 “(B) Lane keeping assistance that assists
9 with steering to keep a vehicle within its driving
10 lane.

11 “(C) Automatic crash data notification sys-
12 tems that—

13 “(i) notify emergency responders that
14 a crash has occurred and provide the geo-
15 graphical location of the vehicle and crash
16 data in a manner that allows for assess-
17 ment of potential injuries and emergency
18 response; and

19 “(ii) transfer to the Secretary
20 anonymized automatic crash data for the
21 purposes of safety research and statistical
22 analysis.

23 “(2) REQUIREMENTS.—In conducting the re-
24 search required under subsection (a), the Secretary
25 shall—

1 “(A) develop one or more tests to evaluate
2 the performance of the system;

3 “(B) determine metrics that would be most
4 effective at evaluating the performance of the
5 system; and

6 “(C) determine fail, pass, or advanced pass
7 criteria to assure the systems are performing
8 their intended function.

9 “(3) REPORT.—The Secretary shall submit a
10 report detailing findings from the research required
11 under subsection (a) to the House Energy and Com-
12 merce Committee and the Senate Commerce,
13 Science, and Transportation Committee not later
14 than 3 years after the date of enactment of this Act.

15 “(4) RULEMAKING.—Not later than 4 years
16 after the date of enactment of this section, the Sec-
17 retary shall issue final rules to establish Federal
18 motor vehicle safety standards for the advanced
19 crash systems described in this subsection and to re-
20 quire all new passenger motor vehicles manufactured
21 for sale in the United States produced after the ef-
22 fective date of such standards to be equipped with
23 advanced crash systems described in this subsection.

24 “(b) RULEMAKING ON POINT OF SALE INFORMA-
25 TION.—Not later than 18 months after the date of enact-

1 ment of this section, the Secretary shall issue a final rule
2 to require clear and concise information about the capa-
3 bilities and limitations of an advanced driver assistance
4 system to be provided to a consumer at the point of sale
5 and in the vehicle owner’s manual, including a publicly
6 accessible electronic owner’s manual.”.

7 (2) CONFORMING AMENDMENT.—The table of
8 section for subchapter II of chapter 301 of title 49,
9 United States Code, is further amended by adding
10 after the item relating to section 30129, as added by
11 section 2(b), the following:

“30131. Advanced crash systems research and consumer education”.

12 **SEC. 32004. UPDATING THE 5-STAR SAFETY RATING SYS-**
13 **TEM.**

14 (a) AMENDMENT.—Section 32302 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “(e) ROADMAP.—

18 “(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this subsection and every
20 2 years thereafter, the Secretary shall publish a
21 clear and concise report on a publicly accessible
22 website detailing efforts over the next five-year pe-
23 riod to improve the passenger motor vehicle informa-
24 tion developed under subsection (a).

1 “(2) ELEMENTS.—The report required under
2 paragraph (1) shall include—

3 “(A) descriptions of actions that will be
4 taken to update the passenger motor vehicle in-
5 formation developed under subsection (a), in-
6 cluding the development of test procedures, test
7 devices, test fixtures, and safety performance
8 metrics;

9 “(B) key milestones, including the antici-
10 pated start of an action, completion of an ac-
11 tion, and effective date of an update; and

12 “(C) descriptions of how an update will im-
13 prove the passenger motor vehicle information
14 developed under subsection (a).

15 “(3) REQUIREMENTS.—In developing, imple-
16 menting, and updating the report required under
17 paragraph (1), the Secretary shall—

18 “(A) identify and prioritize features and
19 systems that meet a known safety need and for
20 which objective rating tests and evaluation cri-
21 teria exists;

22 “(B) when reasonable and in the interest
23 of improving the safety of passenger motor ve-
24 hicles, harmonize the passenger motor vehicle
25 information developed under subsection (a) with

1 other safety information programs, including
2 those administered internationally or by private
3 organizations, that provide comparisons of safe-
4 ty characteristics of passenger motor vehicles;

5 “(C) establish objective criteria, including
6 effectiveness in reducing traffic accidents and
7 deaths and injuries resulting from traffic acci-
8 dents, for the selection of safety technologies to
9 be rated;

10 “(D) conduct a review not less frequently
11 than once every 2 years to evaluate effective-
12 ness of the passenger motor vehicle information
13 produced under subsection (a) at improving the
14 safety of passenger motor vehicles; and

15 “(E) adhere to all deadlines established
16 under subsection (f).

17 “(4) PUBLIC COMMENT.—The Secretary shall
18 provide for a period of public comment and review
19 in developing the plan required under paragraph (1).

20 “(f) IMMEDIATE UPDATES TO THE 5-STAR SAFETY
21 RATING SYSTEM.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this section, the Secretary
24 shall finalize the proceeding entitled New Car As-
25 sessment Program (80 Fed. Reg. 78521) to update

1 the passenger motor vehicle information required
2 under subsection (a).

3 “(2) CRASHWORTHINESS.—In carrying out
4 paragraph (1), the Secretary shall—

5 “(A) update the test procedures and de-
6 vices, including anthropomorphic test devices,
7 used in crashworthiness tests;

8 “(B) establish new or refine injury criteria,
9 including head, neck, chest, abdomen, pelvis,
10 upper leg and lower leg injury criteria, based on
11 real-world injuries and the greatest potential to
12 increase safety;

13 “(C) establish rear seat crashworthiness
14 tests for adult (men and women) occupants in
15 all designated seating positions;

16 “(D) establish crashworthiness tests for el-
17 derly occupants in all designated seating posi-
18 tions;

19 “(E) establish crashworthiness tests for
20 children in all rear designated seating positions
21 and ratings;

22 “(F) establish crashworthiness tests for
23 seating system performance for occupants in all
24 designated seating positions; and

1 “(G) ensure that crashworthiness tests ac-
2 count for occupancy of all designated seating
3 positions, as applicable.

4 “(3) CRASH AVOIDANCE.—In carrying out para-
5 graph (1), the Secretary shall update and create, as
6 applicable, crash avoidance tests, which shall include
7 forward automatic emergency braking, lane depart-
8 ure warning, blind spot warning, rear cross traffic
9 warning, and rear automatic emergency braking.

10 “(4) VULNERABLE ROAD USER SAFETY.—In
11 carrying out paragraph (1), the Secretary shall—

12 “(A) establish crash avoidance tests to
13 evaluate crash avoidance systems, including
14 automatic emergency braking and rear auto-
15 matic emergency braking, for crashes between a
16 passenger motor vehicle and a pedestrian, bicy-
17 clist, or other vulnerable road user;

18 “(B) establish crashworthiness tests to
19 prevent and mitigate injury and death caused
20 by a collision between a passenger motor vehicle
21 and a pedestrian, bicyclist, or other vulnerable
22 road user, including the potential risks of inju-
23 ries to the head, pelvis, upper, and lower leg.

24 “(5) ENHANCING MOTOR VEHICLE INFORMA-
25 TION.—

1 “(A) In carrying out paragraph (1), the
2 Secretary shall—

3 “(i) create a combined overall five-star
4 vehicle rating; and

5 “(ii) create separate five-star ratings
6 for—

7 “(I) crashworthiness for adults
8 (women and men);

9 “(II) crashworthiness for elderly
10 occupants;

11 “(III) crashworthiness for chil-
12 dren;

13 “(IV) crash avoidance; and

14 “(V) pedestrian and bicyclist
15 crashworthiness and crash avoidance.

16 “(B) In developing the ratings under sub-
17 paragraph (A), the Secretary shall require that
18 a vehicle can only achieve the highest rating if
19 the systems are standard for the model.

20 “(C) The Secretary shall—

21 “(i) require manufacturers to promi-
22 nently display the five-star ratings de-
23 scribed in subparagraph (A) on Monroney
24 labels (as required by section 3 of the

1 Automobile Information Disclosure Act (15
2 U.S.C. 1232)); and

3 “(ii) publish the five-star safety rat-
4 ings for a passenger motor vehicle on a
5 publicly available and easily accessible (in-
6 cluding on mobile devices) website not later
7 than 30 days after the Secretary has pro-
8 vided a safety rating for a passenger motor
9 vehicle to the manufacturer.

10 “(D) The ratings created under this sub-
11 section shall—

12 “(i) provide consumers with easy-to-
13 understand information about vehicle safe-
14 ty;

15 “(ii) provide meaningful comparative
16 information about the safety of vehicles;
17 and

18 “(iii) provide incentives for the design
19 of safer vehicles.

20 “(6) POST-CRASH SAFETY.—

21 “(A) Not later than 2 years after the date
22 of enactment of this section, the Secretary shall
23 complete research into the development of tests
24 for the following systems—

1 “(i) automatic collision notification;
2 and

3 “(ii) advanced automatic collision no-
4 tification.

5 “(B) After completion of the research re-
6 quired under subparagraph (A), the Secretary
7 shall include each of the systems in the pas-
8 senger motor vehicle information developed
9 under subsection (a) not later than 3 years
10 after the date of enactment of this section un-
11 less the Secretary determines that doing so will
12 not improve such information.

13 “(C) If the Secretary determines that in-
14 cluding one or more of the systems in subpara-
15 graph (A) will not improve the passenger motor
16 vehicle safety information developed under sub-
17 section (a), the Secretary shall submit a report
18 describing the reasons for not including any
19 such system or systems to the Committee on
20 Energy and Commerce of the House of Rep-
21 resentatives and the Committee on Commerce,
22 Science, and Transportation of the Senate not
23 later than 3 years after the date of enactment
24 of this section. If one or more of the systems
25 is included in another safety information pro-

1 gram, including those administered by inter-
2 national or private organizations, the Secretary
3 shall detail why the tests, or substantively simi-
4 lar tests, from such other safety information
5 program were not adopted.

6 “(7) ADVANCED CRASH AVOIDANCE SYSTEMS.—

7 “(A) Not later than 2 years after the date
8 of enactment of this section, the Secretary shall
9 complete research into the development of tests
10 for the following systems—

11 “(i) lane keeping assistance;

12 “(ii) traffic jam assistance;

13 “(iii) driver distraction prevention, in-
14 cluding systems to maintain driver engage-
15 ment and methods for mitigating distrac-
16 tion from in-vehicle electronic devices;

17 “(iv) driver monitoring; and

18 “(v) intelligent speed assistance.

19 “(B) After completion of the research re-
20 quired under subparagraph (A), the Secretary
21 shall include each of the safety systems in the
22 crash avoidance rating not later than 3 years
23 after the date of enactment of this section un-
24 less the Secretary determines that doing so will

1 not improve the passenger motor vehicle safety
2 information developed under subsection (a).

3 “(C) If the Secretary determines that in-
4 cluding one or more of the safety systems in the
5 crash avoidance rating required will not im-
6 prove the passenger motor vehicle safety infor-
7 mation developed under subsection (a), the Sec-
8 retary shall, not later than 3 years after the
9 date of enactment of this section, submit a re-
10 port to the Committee on Energy and Com-
11 merce of the House of Representatives and the
12 Committee on Commerce, Science, and Trans-
13 portation of the Senate, describing the reasons
14 for not including each of the safety systems in
15 the crash avoidance rating. If one or more of
16 the safety systems is included in another safety
17 information program, including those adminis-
18 tered by international or private organizations,
19 the Secretary shall detail why the tests, or sub-
20 stantively similar tests, from such other safety
21 information program were not adopted.

22 “(8) ADVANCED DRUNK DRIVING PREVENTION
23 TECHNOLOGY.—

24 “(A) Not later than 3 years after the date
25 of enactment of this section, the Secretary shall

1 complete research into the development of tests
2 for advanced drunk driving prevention tech-
3 nology.

4 “(B) After completion of the research re-
5 quired under subparagraph (A), the Secretary
6 shall include advanced drunk driving prevention
7 technology in the crash avoidance rating not
8 later than 5 years after the date of enactment
9 of this section unless the Secretary determines
10 that doing so will not improve the passenger
11 motor vehicle safety information developed
12 under subsection (a).

13 “(C) If the Secretary determines that in-
14 cluding advanced drunk driving prevention tech-
15 nology in the crash avoidance rating will not
16 improve the passenger motor vehicle safety in-
17 formation developed under subsection (a), the
18 Secretary shall, not later than 4 years after the
19 date of enactment of this section submit a re-
20 port to the Committee on Energy and Com-
21 merce of the House of Representatives and the
22 Committee on Commerce, Science, and Trans-
23 portation of the Senate describing the reasons
24 for not including such technology in the crash
25 avoidance rating. If advanced drunk driving

1 prevention technology is included in another
2 safety information program, including those ad-
3 ministered by international or private organiza-
4 tions, the Secretary shall detail why the tests,
5 or substantively similar tests, from such other
6 safety information program were not adopted.

7 “(9) CONTINUOUS UPDATES.—

8 “(A) Not later than 2 years after com-
9 pleting the updates required under this sub-
10 section and every 2 years thereafter, the Sec-
11 retary shall—

12 “(i) update the passenger motor vehi-
13 cle information program developed under
14 subsection (a) to expand consumer access
15 to vehicles with improved safety in accord-
16 ance with the roadmap required under sub-
17 section (e); and

18 “(ii) update a test or rating estab-
19 lished pursuant to this section unless the
20 Secretary makes a determination that up-
21 dating the test or rating will not improve
22 the safety of passenger motor vehicles.

23 “(B) If the Secretary makes a determina-
24 tion that a test or rating established pursuant
25 to this section no longer improves the safety of

1 passenger motor vehicles, the Secretary shall re-
2 place or eliminate that test or rating, only if the
3 Secretary determines that a replacement test
4 will not improve the safety of passenger motor
5 vehicles. Should the Secretary make such a de-
6 termination, the Secretary shall, within 30 days
7 of making such a determination, complete and
8 submit a report to the Committee on Energy
9 and Commerce of the House of Representatives
10 and the Committee on Commerce, Science, and
11 Transportation of the Senate, providing an ex-
12 planation for such a determination.

13 “(10) REPORTING REQUIREMENT.—Should the
14 Secretary fail to meet a deadline set forth in this
15 subsection, the Secretary shall complete and submit
16 a report to the Committee on Energy and Commerce
17 of the House of Representatives and the Committee
18 on Commerce, Science, and Transportation of the
19 Senate within 30 days of such deadline, providing an
20 explanation for why the deadline was not met and a
21 detailed plan and projected timeline for completing
22 the requirement.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Trans-
25 portation \$75,000,000 for each of fiscal years 2021

1 through 2026 to carry out this section and the amend-
2 ments made by this section.

3 **SEC. 32005. ADVANCED DRUNK DRIVING PREVENTION**
4 **TECHNOLOGY.**

5 (a) REQUIREMENTS.—

6 (1) MOTOR VEHICLE SAFETY STANDARD.—Not
7 later than 18 months after the date of enactment of
8 this section, the Secretary of Transportation shall
9 issue an advanced notice of proposed rulemaking to
10 initiate a rulemaking to prescribe a motor vehicle
11 safety standard under section 30111 of title 49,
12 United States Code, that requires passenger motor
13 vehicles manufactured after the effective date of
14 such standard to be equipped with drunk driving de-
15 tection prevention technology.

16 (2) NOTICE AND COMMENT.—Not later than 3
17 years after the date of enactment of this section, the
18 Secretary of Transportation shall issue a notice of
19 proposed rulemaking in order to continue the rule-
20 making proceeding required by paragraph (1).

21 (3) FINAL RULE.—

22 (A) Not later than 5 years after the date
23 of enactment of this section, the Secretary shall
24 prescribe a final rule containing the motor vehi-
25 cle safety standard required under this sub-

1 section. The final rule shall specify an effective
2 date that provides at least 2 years, and no more
3 than 3 year, to allow for manufacturing compli-
4 ance.

5 (B) If the Secretary determines that a new
6 motor vehicle safety standard required under
7 this subsection cannot meet the requirements
8 and considerations set forth in subsections (a)
9 and (b) of section 30111 of title 49, United
10 States Code, the Secretary shall submit a re-
11 port to the Committee on Energy and Com-
12 merce of the House of Representatives and the
13 Committee on Commerce, Science and Trans-
14 portation of the Senate describing the reasons
15 for not prescribing such a standard.

16 (b) DEVELOPMENT.—The Secretary shall work di-
17 rectly with manufacturers of passenger motor vehicles,
18 suppliers, safety advocates, and other interested parties,
19 including universities with expertise in automotive engi-
20 neering, to—

21 (1) accelerate the development of the drunk
22 driving prevention technology required to prescribe a
23 motor vehicle safety standard described in subsection
24 (a); and

1 (2) ensure the integration of such technology
2 into passenger motor vehicles available for sale at
3 the earliest practicable date.

4 (d) DEFINITIONS.—In this section—

5 (1) the term “advanced drunk driving preven-
6 tion technology” means a passive system which—

7 (A) monitors a driver’s performance to
8 identify impairment of a driver;

9 (B) a system which passively detects a
10 blood alcohol level exceeding .08 blood alcohol
11 content; or

12 (C) a similar system which detects impair-
13 ment and prevents or limits vehicle operation.

14 (2) the term “motor vehicle safety standard”
15 has the meaning given such term in section 30102
16 of title 49, United States Code; and

17 (3) the term “passenger motor vehicle” has the
18 meaning given such term in section 32101 of title
19 49, United States Code.

20 **SEC. 32006. LIMOUSINE COMPLIANCE WITH FEDERAL SAFE-**
21 **TY STANDARDS.**

22 (a) LIMOUSINE STANDARDS.—

23 (1) SAFETY BELT AND SEATING SYSTEM
24 STANDARDS FOR LIMOUSINES.—Not later than 2

1 years after the date of enactment of this section, the
2 Secretary shall prescribe a final rule—

3 (A) that amends Federal Motor Vehicle
4 Safety Standard Numbers 208, 209, and 210 to
5 require to be installed in limousines at each
6 designated seating position, including on side-
7 facing seats—

8 (i) an occupant restraint system con-
9 sisting of integrated lap shoulder belts; or

10 (ii) an occupant restraint system con-
11 sisting of a lap belt if the occupant protec-
12 tion system described in clause (i) does not
13 meet the need for motor vehicle safety; and

14 (B) that amends Federal Motor Vehicle
15 Safety Standard Number 207 to require lim-
16 ousines to meet standards for seats (including
17 side-facing seats), attachment assemblies, and
18 installation to minimize the possibility of their
19 failure by forces acting on them as a result of
20 vehicle impact.

21 (2) REPORT ON RETROFIT ASSESSMENT FOR
22 LIMOUSINES.—Not later than 2 years after the date
23 of enactment of this section, the Secretary shall sub-
24 mit to the Committee on Energy and Commerce of
25 the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Sen-
2 ate a report that assesses the feasibility, benefits,
3 and costs with respect to the application of any re-
4 quirement established under paragraph (1) to a lim-
5 ousine introduced into interstate commerce before
6 the date on which the requirement applies to a lim-
7 ousine.

8 (b) SAFETY REGULATIONS OF LIMOUSINES.—Section
9 30102(a)(6) of title 49, United States Code, is amended—

10 (1) in subparagraph (A), by striking “or” at
11 the end;

12 (2) in subparagraph (B), by striking the period
13 and inserting “; or”; and

14 (3) by inserting at the end the following new
15 subparagraph:

16 “(C) modifying a passenger motor vehicle
17 that has already been purchased by the first
18 purchaser (as such term is defined in subsection
19 (b)) by increasing the wheelbase of the vehicle
20 so that the vehicle has increased seating capac-
21 ity.”.

22 (c) DEFINITIONS.—In this section the following defi-
23 nitions apply:

24 (1) CERTIFIED PASSENGER MOTOR VEHICLE.—

25 The term “certified passenger motor vehicle” means

1 a passenger motor vehicle that has been certified in
2 accordance with section 30115 of title 49, United
3 States Code, to meet all applicable Federal Motor
4 Vehicle Safety Standards.

5 (2) LIMOUSINE.—The term “limousine” means
6 a motor vehicle—

7 (A) that has a seating capacity of 9 or
8 more persons (including the driver);

9 (B) with a gross vehicle weight greater
10 than 10,000 pounds but not greater than
11 26,000 pounds; and

12 (C) that the Secretary has decided by reg-
13 ulation has physical characteristics resembling a
14 passenger car or multipurpose passenger vehi-
15 cle.

16 (3) LIMOUSINE OPERATOR.—The term “lim-
17 ousine operator” means a person who owns or
18 leases, and uses, the limousine to transport pas-
19 sengers for compensation.

20 (4) LIMOUSINE REMODELER.—The term “lim-
21 ousine remodeler” means a person who alters or
22 modifies by addition, substitution, or removal of
23 components (other than readily attachable compo-
24 nents) an incomplete vehicle, a vehicle manufactured
25 in two or more stages, or a certified motor vehicle

1 before or after the first purchase of the vehicle to
2 manufacture a limousine.

3 (5) MOTOR VEHICLE.—The term “motor vehi-
4 cle” has the meaning given that term in section
5 30102(a) of title 49, United States Code.

6 (6) PASSENGER MOTOR VEHICLE.—The term
7 “passenger motor vehicle” has the meaning given
8 that term in section 32101 of title 49, United States
9 Code.

10 (7) SECRETARY.—The term “Secretary” means
11 the Secretary of Transportation.

12 (d) LIMOUSINE COMPLIANCE WITH FEDERAL SAFE-
13 TY STANDARDS.—

14 (1) IN GENERAL.—Chapter 301 of subtitle VI
15 of title 49, United States Code, is amended by sec-
16 tion 32003, is further amended by inserting after
17 section 30131 the following new section:

18 **“§ 30132. Limousine compliance with Federal Safety**
19 **Standards**

20 “(a) REQUIREMENT.—Not later than 1 year after the
21 date of enactment of this section, a limousine remodeler
22 may not offer for sale, lease, or rent, introduce or deliver
23 for introduction into interstate commerce, or import into
24 the United States a new limousine unless the limousine
25 remodeler has provided a vehicle remodeler plan, in ac-

1 cordance with this section, to the Secretary that describes
2 how the remodeler is addressing the safety of the lim-
3 ousine. A vehicle remodeler plan shall include the fol-
4 lowing:

5 “(1) Verification and validation of compliance
6 with applicable Federal Motor Vehicle Safety Stand-
7 ards.

8 “(2) Design, quality control, manufacturing,
9 and training practices adopted by a manufacturer,
10 limousine remodeler, incomplete vehicle manufac-
11 turer, intermediate manufacturer, or final-stage
12 manufacturer.

13 “(3) Customer support guidelines, including in-
14 structions for limousine occupants to wear seatbelts
15 and limousine operators to notify occupants of the
16 date and results of the most recent inspection of the
17 limousine.

18 “(b) UPDATES.—Each manufacturer, limousine re-
19 modeler, incomplete vehicle manufacturer, intermediate
20 manufacturer, or final-stage manufacturer shall submit an
21 updated vehicle remodeler plan to the Secretary each year.

22 “(c) PUBLICLY AVAILABLE.—The Secretary shall
23 make any vehicle remodeler plan submitted pursuant to
24 subsection (a) or (b) publicly available not later than 60
25 days after the date on which the plan is received, except

1 the Secretary may not make publicly available any infor-
2 mation relating to a trade secret or other confidential
3 business information as defined in part 512 of title 49,
4 Code of Federal Regulations.

5 “(d) REVIEW.—The Secretary may inspect any vehi-
6 cle remodeler plan developed by a manufacturer, limousine
7 remodeler, incomplete vehicle manufacturer, intermediate
8 manufacturer, or final-stage manufacturer under this sec-
9 tion to enable the Secretary to decide whether the manu-
10 facturer, limousine remodeler, incomplete vehicle manufac-
11 turer, intermediate manufacturer, or final-stage manufac-
12 turer has complied, or is complying, with this chapter or
13 a regulation prescribed or order issued pursuant to this
14 chapter.

15 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to affect discovery, subpoena, other
17 court order, or any other judicial process otherwise allowed
18 under applicable Federal or State law.

19 “(f) DEFINITIONS.—In this section the following defi-
20 nitions apply:

21 “(1) LIMOUSINE.—The term ‘limousine’ means
22 a motor vehicle—

23 “(A) that has a seating capacity of 9 or
24 more persons (including the driver);

1 “(B) with a gross vehicle weight greater
2 than 10,000 pounds but not greater than
3 26,000 pounds; and

4 “(C) that the Secretary has decided by
5 regulation has physical characteristics resem-
6 bling a passenger car or multipurpose pas-
7 senger vehicle.

8 “(2) LIMOUSINE REMODELER.—The term ‘lim-
9 ousine remodeler’ means a person who alters or
10 modifies by addition, substitution, or removal of
11 components (other than readily attachable compo-
12 nents) an incomplete vehicle, a vehicle manufactured
13 in two or more stages, or a certified motor vehicle
14 before or after the first purchase of the vehicle to
15 manufacture a limousine.

16 “(3) MOTOR VEHICLE.—The term ‘motor vehi-
17 cle’ has the meaning given that term in section
18 32101.”.

19 (2) ENFORCEMENT.—Section 30165(a)(1) of
20 title 49, United States Code, is amended by insert-
21 ing “30132,” after “30127,”.

22 (3) CONFORMING AMENDMENT.—The table of
23 section for subchapter II of chapter 301 of title 49,
24 United States Code, is further amended by adding

1 after the item relating to section 30131, as added by
2 section 2(b), the following:

“30132. Limousine compliance with federal safety standards”.

3 (e) LIMOUSINE CRASHWORTHINESS.—

4 (1) RESEARCH.—Not later than 4 years after
5 the date of enactment of this section, the Secretary
6 shall complete research into the development of Fed-
7 eral Motor Vehicle Safety Standards for side impact
8 protection, roof crush resistance, and air bag sys-
9 tems for the protection of occupants for limousines
10 with perimeter seating positions, including perimeter
11 seating arrangements.

12 (2) RULEMAKING OR REPORT.—

13 (A) CRASHWORTHINESS STANDARDS.—Not
14 later than 2 years after the completion of the
15 research required pursuant to paragraph (1),
16 the Secretary shall prescribe final Federal
17 Motor Vehicle Safety Standards for side impact
18 protection, roof crush resistance, and air bag
19 systems for the protection of occupants for lim-
20 ousines with alternative seating positions if the
21 Secretary determines that such a standard or
22 standards meet the requirements and consider-
23 ations set forth in subsections (a) and (b) of
24 section 30111 of title 49, United States Code.

1 (B) REPORT.—If the Secretary determines
2 that a standard or standards described in sub-
3 paragraph (A) does not meet the requirements
4 and considerations set forth in subsections (a)
5 and (b) of section 30111 of title 49, United
6 States Code, the Secretary shall submit to the
7 Committee on Energy and Commerce of the
8 House of Representatives and the Committee
9 on Commerce, Science, and Transportation of
10 the Senate a report describing the reasons for
11 not prescribing the standard or standards and
12 publish the report in the Federal Register.

13 (f) LIMOUSINE EVACUATION.—

14 (1) RESEARCH.—Not later than 2 years after
15 the date of enactment of this section, the Secretary
16 shall complete research into safety features and
17 standards that aid evacuation in the event that one
18 exit in the passenger compartment of a limousine is
19 blocked.

20 (2) STANDARDS.—Not later than 3 years after
21 the date of enactment of this section, the Secretary
22 shall issue Federal Motor Vehicle Safety Standards
23 based on the results of the research under para-
24 graph (1).

25 (g) LIMOUSINE INSPECTION DISCLOSURE.—

1 (1) LIMOUSINE INSPECTION DISCLOSURE.—A
2 limousine operator may not introduce a limousine
3 into interstate commerce unless the limousine oper-
4 ator has prominently disclosed in a clear and con-
5 spicuous notice, including on the website of the oper-
6 ator if the operator has a website, that includes—

7 (A) the date of the most recent inspection
8 of the limousine required under State or Fed-
9 eral law;

10 (B) the results of the inspection; and

11 (C) any corrective action taken by the lim-
12 ousine operator to ensure the limousine passed
13 inspection.

14 (2) FEDERAL TRADE COMMISSION ENFORCE-
15 MENT.—The Commission shall enforce this sub-
16 section in the same manner, by the same means, and
17 with the same jurisdiction, powers, and duties as
18 though all applicable terms and provisions of the
19 Federal Trade Commission Act (15 U.S.C. 41 et
20 seq.) were incorporated into and made a part of this
21 section. Any person who violates this subsection
22 shall be subject to the penalties and entitled to the
23 privileges and immunities provided in the Federal
24 Trade Commission Act (15 U.S.C. 41 et seq.).

1 (3) SAVINGS PROVISION.—Nothing in this sub-
2 section shall be construed to limit the authority of
3 the Federal Trade Commission under any other pro-
4 vision of law.

5 (4) EFFECTIVE DATE.—This subsection shall
6 take effect 180 days after the date of enactment of
7 this section.

8 (h) EVENT DATA RECORDERS FOR LIMOUSINES.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this section, the Secretary,
11 acting through the Administrator of the National
12 Highway Traffic Safety Administration, shall issue a
13 final rule requiring the use of event data recorders
14 for limousines.

15 (2) PRIVACY PROTECTIONS.—Any standard pro-
16 mulgated under paragraph (1) pertaining to event
17 data recorder information shall comply with the col-
18 lection and sharing requirements under the FAST
19 Act (Public Law 114–94) and any other applicable
20 law.

1 **TITLE III—ENERGY AND ENVI-**
2 **RONMENT INFRASTRUCTURE**
3 **Subtitle A—Infrastructure**
4 **CHAPTER 1—DRINKING WATER**
5 **Subchapter A—PFAS Infrastructure Grant**
6 **Program**

7 **SEC. 33101. ESTABLISHMENT OF PFAS INFRASTRUCTURE**
8 **GRANT PROGRAM.**

9 Part E of the Safe Drinking Water Act (42 U.S.C.
10 300j et seq.) is amended by adding at the end the fol-
11 lowing new section:

12 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
13 **TEMS AFFECTED BY PFAS.**

14 “(a) ESTABLISHMENT.—Not later than 180 days
15 after the date of enactment of this section, the Adminis-
16 trator shall establish a program to award grants to af-
17 fected community water systems to pay for capital costs
18 associated with the implementation of eligible treatment
19 technologies.

20 “(b) APPLICATIONS.—

21 “(1) GUIDANCE.—Not later than 12 months
22 after the date of enactment of this section, the Ad-
23 ministrator shall publish guidance describing the
24 form and timing for community water systems to
25 apply for grants under this section.

1 “(2) REQUIRED INFORMATION.—The Adminis-
2 trator shall require a community water system ap-
3 plying for a grant under this section to submit—

4 “(A) information showing the presence of
5 PFAS in water of the community water system;
6 and

7 “(B) a certification that the treatment
8 technology in use by the community water sys-
9 tem at the time of application is not sufficient
10 to remove all detectable amounts of PFAS.

11 “(c) LIST OF ELIGIBLE TREATMENT TECH-
12 NOLOGIES.—Not later than 150 days after the date of en-
13 actment of this section, and every two years thereafter,
14 the Administrator shall publish a list of treatment tech-
15 nologies that the Administrator determines are effective
16 at removing all detectable amounts of PFAS from drink-
17 ing water.

18 “(d) PRIORITY FOR FUNDING.—In awarding grants
19 under this section, the Administrator shall prioritize af-
20 fected community water systems that—

21 “(1) serve a disadvantaged community;

22 “(2) will provide at least a 10 percent cost
23 share for the cost of implementing an eligible treat-
24 ment technology; or

1 “(3) demonstrate the capacity to maintain the
2 eligible treatment technology to be implemented
3 using the grant.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 not more than \$500,000,000 for each of the fiscal years
7 2021 through 2025.

8 “(f) DEFINITIONS.—In this section:

9 “(1) AFFECTED COMMUNITY WATER SYSTEM.—
10 The term ‘affected community water system’ means
11 a community water system that is affected by the
12 presence of PFAS in the water in the community
13 water system.

14 “(2) DISADVANTAGED COMMUNITY.—The term
15 ‘disadvantaged community’ has the meaning given
16 that term in section 1452.

17 “(3) ELIGIBLE TREATMENT TECHNOLOGY.—
18 The term ‘eligible treatment technology’ means a
19 treatment technology included on the list published
20 under subsection (c).”.

21 **SEC. 33102. DEFINITION.**

22 Section 1401 of the Safe Drinking Water Act (42
23 U.S.C. 300f) is amended by adding at the end the fol-
24 lowing:

1 “(17) PFAS.—The term ‘PFAS’ means a
2 perfluoroalkyl or polyfluoroalkyl substance with at
3 least one fully fluorinated carbon atom.”.

4 **Subchapter B—Extensions**

5 **SEC. 33103. FUNDING.**

6 (a) STATE REVOLVING LOAN FUNDS.—Section
7 1452(m)(1) of the Safe Drinking Water Act (42 U.S.C.
8 300j–12(m)(1)) is amended—

9 (1) in subparagraph (B), by striking “and”;

10 (2) in subparagraph (C), by striking “2021.”
11 and inserting “2021;”; and

12 (3) by adding at the end the following:

13 “(D) \$4,140,000,000 for fiscal year 2022;

14 “(E) \$4,800,000,000 for fiscal year 2023;

15 and

16 “(F) \$5,500,000,000 for each of fiscal
17 years 2024 and 2025.”.

18 (b) INDIAN RESERVATION DRINKING WATER PRO-
19 GRAM.—Section 2001(d) of America’s Water Infrastruc-
20 ture Act of 2018 (Public Law 115–270) is amended by
21 striking “2022” and inserting “2025”.

22 (c) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM
23 LEAD TESTING GRANT PROGRAM.—Section 1464(d)(8) of
24 the Safe Drinking Water Act (42 U.S.C. 300j–24(d)(8))
25 is amended by striking “2021” and inserting “2025”.

1 (d) DRINKING WATER FOUNTAIN REPLACEMENT
2 FOR SCHOOLS.—Section 1465(d) of the Safe Drinking
3 Water Act (42 U.S.C. 300j–25(d)) is amended by striking
4 “2021” and inserting “2025”.

5 (e) TECHNICAL ASSISTANCE AND GRANTS.—Section
6 1433(g)(6) of the Safe Drinking Water Act (42 U.S.C.
7 300i–2(g)(6)) is amended by striking “2021” and insert-
8 ing “2025”.

9 (f) GRANTS FOR STATE PROGRAMS.—Section
10 1443(a)(7) of the Safe Drinking Water Act (42 U.S.C.
11 300j–2(a)(7)) is amended by striking “2021” and insert-
12 ing “2025”.

13 **SEC. 33104. AMERICAN IRON AND STEEL PRODUCTS.**

14 Section 1452(a)(4)(A) of the Safe Drinking Water
15 Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking
16 “During fiscal years 2019 through 2023, funds” and in-
17 serting “Funds”.

18 **CHAPTER 2—GRID SECURITY AND**

19 **MODERNIZATION**

20 **SEC. 33111. 21ST CENTURY POWER GRID.**

21 (a) IN GENERAL.—The Secretary of Energy shall es-
22 tablish a program to provide financial assistance to eligible
23 partnerships to carry out projects related to the mod-
24 ernization of the electric grid, including—

1 (1) projects for the deployment of technologies
2 to improve monitoring of, advanced controls for, and
3 prediction of performance of, a distribution system;
4 and

5 (2) projects related to transmission system
6 planning and operation.

7 (b) ELIGIBLE PROJECTS.—Projects for which an eli-
8 gible partnership may receive financial assistance under
9 subsection (a)—

10 (1) shall be designed to improve the resiliency,
11 performance, or efficiency of the electric grid, while
12 ensuring the continued provision of safe, secure, reli-
13 able, and affordable power;

14 (2) may be designed to deploy a new product or
15 technology that could be used by customers of an
16 electric utility; and

17 (3) shall demonstrate—

18 (A) secure integration and management of
19 energy resources, including through distributed
20 energy generation, combined heat and power,
21 microgrids, energy storage, electric vehicles, en-
22 ergy efficiency, demand response, or control-
23 lable loads; or

1 (B) secure integration and interoperability
2 of communications and information technologies
3 related to the electric grid.

4 (c) CYBERSECURITY PLAN.—Each project carried
5 out with financial assistance provided under subsection (a)
6 shall include the development of a cybersecurity plan writ-
7 ten in accordance with guidelines developed by the Sec-
8 retary of Energy.

9 (d) PRIVACY EFFECTS ANALYSIS.—Each project car-
10 ried out with financial assistance provided under sub-
11 section (a) shall include a privacy effects analysis that
12 evaluates the project in accordance with the Voluntary
13 Code of Conduct of the Department of Energy, commonly
14 known as the “DataGuard Energy Data Privacy Pro-
15 gram”, or the most recent revisions to the privacy pro-
16 gram of the Department.

17 (e) DEFINITIONS.—In this section:

18 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
19 ble partnership” means a partnership consisting of
20 two or more entities, which—

21 (A) may include—

22 (i) any institution of higher education;

23 (ii) a National Laboratory;

1 (iii) a State or a local government or
2 other public body created by or pursuant
3 to State law;

4 (iv) an Indian Tribe;

5 (v) a Federal power marketing admin-
6 istration; or

7 (vi) an entity that develops and pro-
8 vides technology; and

9 (B) shall include at least one of any of—

10 (i) an electric utility;

11 (ii) a Regional Transmission Organi-
12 zation; or

13 (iii) an Independent System Operator.

14 (2) ELECTRIC UTILITY.—The term “electric
15 utility” has the meaning given that term in section
16 3(22) of the Federal Power Act (16 U.S.C.
17 796(22)), except that such term does not include an
18 entity described in subparagraph (B) of such sec-
19 tion.

20 (3) FEDERAL POWER MARKETING ADMINISTRA-
21 TION.—The term “Federal power marketing admin-
22 istration” means the Bonneville Power Administra-
23 tion, the Southeastern Power Administration, the
24 Southwestern Power Administration, or the Western
25 Area Power Administration.

1 (4) INDEPENDENT SYSTEM OPERATOR; RE-
2 REGIONAL TRANSMISSION ORGANIZATION.—The terms
3 “Independent System Operator” and “Regional
4 Transmission Organization” have the meanings
5 given those terms in section 3 of the Federal Power
6 Act (16 U.S.C. 796).

7 (5) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the
9 meaning given that term in section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Secretary of Energy
13 to carry out this section \$700,000,000 for each of fiscal
14 years 2021 through 2025, to remain available until ex-
15 pended.

16 **SEC. 33112. ENERGY EFFICIENT TRANSFORMER REBATE**
17 **PROGRAM.**

18 (a) DEFINITIONS.—In this section:

19 (1) QUALIFIED ENERGY EFFICIENT TRANS-
20 FORMER.—The term “qualified energy efficient
21 transformer” means a transformer that meets or ex-
22 ceeds the applicable energy conservation standards
23 described in the tables in subsection (b)(2) and
24 paragraphs (1) and (2) of subsection (c) of section

1 431.196 of title 10, Code of Federal Regulations (as
2 in effect on the date of enactment of this Act).

3 (2) QUALIFIED ENERGY INEFFICIENT TRANS-
4 FORMER.—The term “qualified energy inefficient
5 transformer” means a transformer with an equal
6 number of phases and capacity to a transformer de-
7 scribed in any of the tables in subsection (b)(2) and
8 paragraphs (1) and (2) of subsection (c) of section
9 431.196 of title 10, Code of Federal Regulations (as
10 in effect on the date of enactment of this Act)
11 that—

12 (A) does not meet or exceed the applicable
13 energy conservation standards described in
14 paragraph (1); and

15 (B)(i) was manufactured between January
16 1, 1985, and December 31, 2006, for a trans-
17 former with an equal number of phases and ca-
18 pacity as a transformer described in the table
19 in subsection (b)(2) of section 431.196 of title
20 10, Code of Federal Regulations (as in effect on
21 the date of enactment of this Act); or

22 (ii) was manufactured between Janu-
23 ary 1, 1990, and December 31, 2009, for
24 a transformer with an equal number of
25 phases and capacity as a transformer de-

1 scribed in the table in paragraph (1) or (2)
2 of subsection (c) of that section (as in ef-
3 fect on the date of enactment of this Act).

4 (3) QUALIFIED ENTITY.—The term “qualified
5 entity” means an owner of industrial or manufac-
6 turing facilities, commercial buildings, or multifamily
7 residential buildings, a utility, or an energy service
8 company, that fulfills the requirements of subsection
9 (c).

10 (b) ESTABLISHMENT.—Not later than 90 days after
11 the date of enactment of this Act, the Secretary of Energy
12 shall establish a program to provide rebates to qualified
13 entities for expenditures made by the qualified entity for
14 the replacement of a qualified energy inefficient trans-
15 former with a qualified energy efficient transformer.

16 (c) REQUIREMENTS.—To be eligible to receive a re-
17 bate under this section, an entity shall submit to the Sec-
18 retary of Energy an application in such form, at such
19 time, and containing such information as the Secretary
20 may require, including demonstrated evidence—

21 (1) that the entity purchased a qualified energy
22 efficient transformer;

23 (2) of the core loss value of the qualified energy
24 efficient transformer;

1 (3) of the age of the qualified energy inefficient
2 transformer being replaced;

3 (4) of the core loss value of the qualified energy
4 inefficient transformer being replaced—

5 (A) as measured by a qualified professional
6 or verified by the equipment manufacturer, as
7 applicable; or

8 (B) for transformers described in sub-
9 section (a)(2)(B)(i), as selected from a table of
10 default values as determined by the Secretary
11 in consultation with applicable industry; and

12 (5) that the qualified energy inefficient trans-
13 former has been permanently decommissioned and
14 scrapped.

15 (d) AUTHORIZED AMOUNT OF REBATE.—The
16 amount of a rebate provided under this section shall be—

17 (1) for a 3-phase or single-phase transformer
18 with a capacity of not less than 10 and not greater
19 than 2,500 kilovolt-amperes, twice the amount equal
20 to the difference in watts between the core loss value
21 (as measured in accordance with paragraphs (2) and
22 (4) of subsection (c)) of—

23 (A) the qualified energy inefficient trans-
24 former; and

1 (B) the qualified energy efficient trans-
2 former; or

3 (2) for a transformer described in subsection
4 (a)(2)(B)(i), the amount determined using a table of
5 default rebate values by rated transformer output,
6 as measured in kilovolt-amperes, as determined by
7 the Secretary in consultation with applicable indus-
8 try.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$10,000,000 for each of fiscal years 2021 through 2025,
12 to remain available until expended.

13 **SEC. 33113. INTERREGIONAL TRANSMISSION PLANNING RE-**
14 **PORT.**

15 Not later than 6 months after the date of enactment
16 of this Act, the Secretary of Energy shall submit to Con-
17 gress a report that—

18 (1) examines the effectiveness of interregional
19 transmission planning processes for identifying
20 transmission projects across regions that provide
21 economic, reliability, or operational benefits, taking
22 into consideration the public interest, the integrity of
23 markets, and the protection of consumers;

24 (2) evaluates the current architecture of re-
25 gional electricity grids (including international trans-

1 mission connections of such grids) that together
2 comprise the Nation's electricity grid, with respect
3 to—

4 (A) potential growth in renewable energy
5 generation, including energy generation from
6 offshore wind;

7 (B) potential growth in electricity demand;
8 and

9 (C) retirement of existing electricity gen-
10 eration assets;

11 (3) analyzes—

12 (A) the range of benefits that interregional
13 transmission provides;

14 (B) the impact of basing transmission
15 project approvals on a comprehensive assess-
16 ment of the multiple benefits provided;

17 (C) synchronization of processes described
18 in paragraph (1) among neighboring regions;

19 (D) how often interregional transmission
20 planning should be completed;

21 (E) whether voltage, size, or cost require-
22 ments should be a factor in the approval of
23 interregional transmission projects;

24 (F) cost allocation methodologies for inter-
25 regional transmission projects; and

1 (G) current barriers and challenges to con-
2 struction of interregional transmission projects;
3 and

4 (4) identifies potential changes, based on the
5 analysis under paragraph (3), to the processes de-
6 scribed in paragraph (1) to ensure the most effi-
7 cient, cost effective, and broadly beneficial trans-
8 mission projects are selected for construction.

9 **SEC. 33114. PROMOTING GRID STORAGE.**

10 (a) DEFINITIONS.—In this section:

11 (1) ENERGY STORAGE SYSTEM.—The term “en-
12 ergy storage system” means equipment or facilities
13 relating to the electric grid that are capable of ab-
14 sorbing and converting energy, as applicable, storing
15 the energy for a period of time, and dispatching the
16 energy, that—

17 (A) use mechanical, electrochemical, bio-
18 chemical, or thermal processes, to convert and
19 store energy that was generated at an earlier
20 time for use at a later time;

21 (B) use mechanical, electrochemical, bio-
22 chemical, or thermal processes to convert and
23 store energy generated from mechanical proc-
24 esses that would otherwise be wasted for deliv-
25 ery at a later time; or

1 (C) convert and store energy in an electric,
2 thermal, or gaseous state for direct use for
3 heating or cooling at a later time in a manner
4 that avoids the need to use electricity or other
5 fuel sources at that later time, as is offered by
6 grid-enabled water heaters.

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State, territory, or possession of the
10 United States;

11 (B) a State energy office (as defined in
12 section 124(a) of the Energy Policy Act of 2005
13 (42 U.S.C. 15821(a)));

14 (C) a tribal organization (as defined in sec-
15 tion 3765 of title 38, United States Code);

16 (D) an institution of higher education (as
17 defined in section 101 of the Higher Education
18 Act of 1965 (20 U.S.C. 1001));

19 (E) an electric utility, including—

20 (i) a rural electric cooperative;

21 (ii) a political subdivision of a State,
22 such as a municipally owned electric util-
23 ity, or any agency, authority, corporation,
24 or instrumentality of one or more State po-
25 litical subdivisions; and

1 (iii) an investor-owned utility; and

2 (F) a private energy storage company that
3 is a small business concern (as defined in sec-
4 tion 3 of the Small Business Act (15 U.S.C.
5 632)).

6 (3) ISLAND MODE.—The term “island mode”
7 means a mode in which a distributed generator or
8 energy storage system continues to power a location
9 in the absence of electric power from the primary
10 source.

11 (4) MICROGRID.—The term “microgrid” means
12 an integrated energy system consisting of inter-
13 connected loads and distributed energy resources, in-
14 cluding generators and energy storage systems, with-
15 in clearly defined electrical boundaries that—

16 (A) acts as a single controllable entity with
17 respect to the electric grid; and

18 (B) can connect to, and disconnect from,
19 the electric grid to operate in both grid-con-
20 nected mode and island mode.

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of Energy.

23 (b) ENERGY STORAGE RESEARCH PROGRAM.—

24 (1) IN GENERAL.—The Secretary shall establish
25 a cross-cutting national program within the Depart-

1 ment of Energy for the research of energy storage
2 systems, including components and materials of such
3 systems.

4 (2) ADDITIONAL REQUIREMENTS.—In estab-
5 lishing the program under paragraph (1), the Sec-
6 retary shall—

7 (A) identify and coordinate across all rel-
8 evant program offices throughout the Depart-
9 ment of Energy key areas of existing and future
10 research with respect to a portfolio of tech-
11 nologies and approaches; and

12 (B) adopt long-term cost, performance,
13 and implementation targets for specific applica-
14 tions of energy storage systems.

15 (c) TECHNICAL ASSISTANCE AND GRANT PRO-
16 GRAM.—

17 (1) ESTABLISHMENT.—

18 (A) IN GENERAL.—The Secretary shall es-
19 tablish a technical assistance and grant pro-
20 gram (referred to in this subsection as the
21 “program”)—

22 (i) to disseminate information and
23 provide technical assistance directly to eli-
24 gible entities so the eligible entities can
25 identify, evaluate, plan, design, and de-

1 develop processes to procure energy storage
2 systems; and

3 (ii) to make grants to eligible entities
4 so that the eligible entities may contract to
5 obtain technical assistance to identify,
6 evaluate, plan, design, and develop pro-
7 cesses to procure energy storage systems.

8 (B) TECHNICAL ASSISTANCE.—

9 (i) IN GENERAL.—The technical as-
10 sistance described in subparagraph (A)
11 shall include assistance with one or more
12 of the following activities relating to energy
13 storage systems:

14 (I) Identification of opportunities
15 to use energy storage systems.

16 (II) Assessment of technical and
17 economic characteristics.

18 (III) Utility interconnection.

19 (IV) Permitting and siting issues.

20 (V) Business planning and finan-
21 cial analysis.

22 (VI) Engineering design.

23 (ii) EXCLUSION.—The technical as-
24 sistance described in subparagraph (A)
25 shall not include assistance relating to

1 modification of Federal, State, or local reg-
2 ulations or policies relating to energy stor-
3 age systems.

4 (C) INFORMATION DISSEMINATION.—The
5 information dissemination under subparagraph
6 (A)(i) shall include dissemination of—

7 (i) information relating to the topics
8 described in subparagraph (B), including
9 case studies of successful examples;

10 (ii) computer software for assessment,
11 design, and operation and maintenance of
12 energy storage systems; and

13 (iii) public databases that track the
14 operation of existing and planned energy
15 storage systems.

16 (2) APPLICATIONS.—

17 (A) IN GENERAL.—An eligible entity desir-
18 ing technical assistance or grants under the
19 program shall submit to the Secretary an appli-
20 cation at such time, in such manner, and con-
21 taining such information as the Secretary may
22 require.

23 (B) APPLICATION PROCESS.—The Sec-
24 retary shall seek applications for technical as-
25 sistance and grants under the program—

1 (i) on a competitive basis; and

2 (ii) on a periodic basis, but not less
3 frequently than once every 12 months.

4 (C) PRIORITIES.—In selecting eligible enti-
5 ties for technical assistance and grants under
6 the program, the Secretary shall give priority to
7 eligible entities with projects that have the
8 greatest potential for—

9 (i) strengthening the reliability of en-
10 ergy infrastructure and the resilience of
11 energy infrastructure to the effects of ex-
12 treme weather events, power grid failures,
13 and interruptions in supply of fossil fuels;

14 (ii) reducing the cost of energy stor-
15 age systems;

16 (iii) facilitating the use of renewable
17 energy resources;

18 (iv) minimizing environmental impact,
19 including regulated air pollutants and
20 greenhouse gas emissions;

21 (v) improving the feasibility of
22 microgrids or islanding, particularly in
23 rural areas, including rural areas with high
24 energy costs; and

25 (vi) maximizing local job creation.

1 (3) GRANTS.—On application by an eligible en-
2 tity, the Secretary may award grants to the eligible
3 entity to provide funds to cover not more than—

4 (A) 100 percent of the costs of carrying
5 out an initial assessment to identify net system
6 benefits of using energy storage systems;

7 (B) 75 percent of the cost of obtaining
8 guidance relating to methods to assess energy
9 storage in long-term resource planning and re-
10 source procurement;

11 (C) 60 percent of the cost of carrying out
12 studies to assess the cost-benefit ratio of energy
13 storage systems; and

14 (D) 50 percent of the cost of obtaining
15 guidance on complying with State and local reg-
16 ulatory technical standards, including siting
17 and permitting standards.

18 (4) RULES AND PROCEDURES.—

19 (A) RULES.—Not later than 180 days
20 after the date of enactment of this Act, the Sec-
21 retary shall, by rule, establish procedures for
22 carrying out the program.

23 (B) GRANTS.—Not later than 120 days
24 after the date on which the Secretary estab-
25 lishes procedures for the program under sub-

1 paragraph (A), the Secretary shall issue grants
2 under this subsection.

3 (5) REPORTS.—The Secretary shall submit to
4 Congress and make available to the public—

5 (A) not less frequently than once every 2
6 years, a report describing the performance of
7 the program under this subsection, including a
8 synthesis and analysis of any information the
9 Secretary requires grant recipients to provide to
10 the Secretary as a condition of receiving a
11 grant; and

12 (B) on termination of the program under
13 this subsection, an assessment of the success of,
14 and education provided by, the measures car-
15 ried out by eligible entities under the program.

16 (d) DEPARTMENT OF ENERGY WORKSHOPS.—The
17 Secretary shall hold one or more workshops during each
18 of calendar years 2021 and 2023 to facilitate the sharing,
19 across the Department of Energy, the States, local and
20 Tribal governments, industry, and the academic research
21 community, of research developments and new technical
22 knowledge gained in carrying out subsections (b) and (c).

23 (e) ENERGY STORAGE SYSTEM DEMONSTRATION
24 PROGRAM.—

25 (1) ENERGY STORAGE GRANT PROGRAM.—

1 (A) ESTABLISHMENT.—The Secretary
2 shall establish a competitive grant program for
3 pilot energy storage systems, as identified by
4 the Secretary, that use either—

5 (i) a single system; or

6 (ii) aggregations of multiple systems.

7 (B) SELECTION REQUIREMENTS.—In se-
8 lecting eligible entities to receive a grant under
9 this subsection, the Secretary shall, to the max-
10 imum extent practicable—

11 (i) ensure regional diversity among el-
12 igible entities that receive the grants, in-
13 cluding participation by rural States and
14 small States;

15 (ii) ensure that specific projects se-
16 lected for grants—

17 (I) expand on the existing tech-
18 nology demonstration programs of the
19 Department of Energy; and

20 (II) are designed to achieve one
21 or more of the objectives described in
22 subparagraph (C);

23 (iii) prioritize projects from eligible
24 entities that do not have an energy storage
25 system;

1 (iv) give consideration to proposals
2 from eligible entities for securing energy
3 storage through competitive procurement
4 or contracts for service;

5 (v) prioritize projects that coordinate
6 with the local incumbent electric utility for
7 in-front-of-the-meter projects that do not
8 formally involve an electric utility; and

9 (vi) prioritize projects that leverage
10 matching funds from non-Federal sources.

11 (C) OBJECTIVES.—Each demonstration
12 project selected for a grant under subparagraph
13 (A) shall include one or more of the following
14 objectives:

15 (i) To improve the security and resil-
16 iency of critical infrastructure and emer-
17 gency response systems.

18 (ii) To improve the reliability of the
19 electricity transmission and distribution
20 system, particularly in rural areas, includ-
21 ing rural areas with high energy costs.

22 (iii) To optimize electricity trans-
23 mission or distribution system operation
24 and power quality to defer or avoid costs
25 of replacing or upgrading electric grid in-

1 frastructure, including transformers and
2 substations.

3 (iv) To supply energy at peak periods
4 of demand on the electric grid or during
5 periods of significant variation of electric
6 grid supply.

7 (v) To reduce peak residential and
8 commercial loads, particularly to defer or
9 avoid investments in new electric grid ca-
10 pacity.

11 (vi) To advance power conversion sys-
12 tems to make the systems internet-con-
13 nected, more efficient, able to communicate
14 with other inverters, and able to control
15 voltage.

16 (vii) To provide ancillary services for
17 grid stability and management.

18 (viii) To integrate a renewable energy
19 resource production source into the grid at
20 the source or away from the source.

21 (ix) To increase the feasibility of
22 microgrids or islanding.

23 (x) To enable the use of stored energy
24 in forms other than electricity to support

1 the natural gas system and other industrial
2 processes.

3 (D) RESTRICTION ON USE OF FUNDS.—

4 Any eligible entity that receives a grant under
5 subparagraph (A) may only use the grant to
6 fund programs relating to the demonstration of
7 energy storage systems connected to the electric
8 grid, including energy storage systems sited be-
9 hind a customer revenue meter.

10 (E) FUNDING LIMITATIONS.—

11 (i) FEDERAL COST SHARE.—The Fed-
12 eral cost share of a project carried out
13 with a grant under subparagraph (A) shall
14 be not more than 50 percent of the total
15 costs incurred in connection with the devel-
16 opment, construction, acquisition of com-
17 ponents for, or engineering of a dem-
18 onstration project.

19 (ii) MAXIMUM GRANT.—The max-
20 imum amount of a grant awarded under
21 subparagraph (A) shall be \$5,000,000.

22 (F) NO PROJECT OWNERSHIP INTEREST.—

23 The United States shall hold no equity or other
24 ownership interest in an energy storage system

1 for which a grant is provided under subpara-
2 graph (A).

3 (G) COMPARABLE WAGE RATES.—Each la-
4 borer and mechanic employed by a contractor
5 or subcontractor in performance of construction
6 work financed, in whole or in part, by the grant
7 shall be paid wages at rates not less than the
8 rates prevailing on similar construction in the
9 locality as determined by the Secretary of
10 Labor in accordance with subchapter IV of
11 chapter 31 of title 40, United States Code.

12 (2) RULES AND PROCEDURES; AWARDING OF
13 GRANTS.—

14 (A) RULES AND PROCEDURES.—Not later
15 than 180 days after the date of enactment of
16 this Act, the Secretary shall, by rule, establish
17 procedures for carrying out the grant program
18 under paragraph (1).

19 (B) AWARDING OF GRANTS.—Not later
20 than 1 year after the date on which the Sec-
21 retary establishes procedures under subpara-
22 graph (A), the Secretary shall award the initial
23 grants provided under this subsection.

24 (3) REPORTS.—The Secretary shall submit to
25 Congress and make publicly available—

1 (A) not less frequently than once every 2
2 years for the duration of the grant program
3 under paragraph (1), a report describing the
4 performance of the grant program, including a
5 synthesis and analysis of any information the
6 Secretary requires grant recipients to provide to
7 the Secretary as a condition of receiving a
8 grant; and

9 (B) on termination of the grant program
10 under paragraph (1), an assessment of the suc-
11 cess of, and education provided by, the meas-
12 ures carried out by grant recipients under the
13 grant program.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated—

16 (1) for each of fiscal years 2021 through 2025,
17 \$175,000,000 to carry out subsection (b);

18 (2) for the period of fiscal years 2021 through
19 2025, \$100,000,000 to carry out subsection (c), to
20 remain available until expended; and

21 (3) for the period of fiscal years 2021 through
22 2025, \$150,000,000 to carry out subsection (e), to
23 remain available until expended.

24 **SEC. 33115. EXPANDING ACCESS TO SUSTAINABLE ENERGY.**

25 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a rural electric cooperative; or

4 (B) a nonprofit organization working with
5 at least 6 or more rural electric cooperatives.

6 (2) ENERGY STORAGE.—The term “energy
7 storage” means the use of equipment or facilities re-
8 lating to the electric grid that are capable of absorb-
9 ing and converting energy, as applicable, storing the
10 energy for a period of time, and dispatching the en-
11 ergy, that—

12 (A) use mechanical, electrochemical, bio-
13 chemical, or thermal processes, to convert and
14 store energy that was generated at an earlier
15 time for use at a later time;

16 (B) use mechanical, electrochemical, bio-
17 chemical, or thermal processes to convert and
18 store energy generated from mechanical proc-
19 esses that would otherwise be wasted for deliv-
20 ery at a later time; or

21 (C) convert and store energy in an electric,
22 thermal, or gaseous state for direct use for
23 heating or cooling at a later time in a manner
24 that avoids the need to use electricity or other

1 fuel sources at that later time, as is offered by
2 grid-enabled water heaters.

3 (3) ISLAND.—The term “island mode” means a
4 mode in which a distributed generator or energy
5 storage device continues to power a location in the
6 absence of electric power from the primary source.

7 (4) MICROGRID.—The term “microgrid” means
8 an interconnected system of loads and distributed
9 energy resources, including generators and energy
10 storage devices, within clearly defined electrical
11 boundaries that—

12 (A) acts as a single controllable entity with
13 respect to the electric grid; and

14 (B) can connect to, and disconnect from,
15 the electric grid to operate in both grid-con-
16 nected mode and island mode.

17 (5) RENEWABLE ENERGY SOURCE.—The term
18 “renewable energy source” has the meaning given
19 the term in section 609(a) of the Public Utility Reg-
20 ulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

21 (6) RURAL ELECTRIC COOPERATIVE.—The term
22 “rural electric cooperative” means an electric coop-
23 erative (as defined in section 3 of the Federal Power
24 Act (16 U.S.C. 796)) that sells electric energy to
25 persons in rural areas.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

3 (b) ENERGY STORAGE AND MICROGRID ASSISTANCE
4 PROGRAM.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary shall establish a program under which the
8 Secretary shall—

9 (A) provide grants to eligible entities under
10 paragraph (3);

11 (B) provide technical assistance to eligible
12 entities under paragraph (4); and

13 (C) disseminate information to eligible en-
14 tities on—

15 (i) the activities described in para-
16 graphs (3)(A) and (4); and

17 (ii) potential and existing energy stor-
18 age and microgrid projects.

19 (2) COOPERATIVE AGREEMENT.—The Secretary
20 may enter into a cooperative agreement with an eli-
21 gible entity to carry out paragraph (1).

22 (3) GRANTS.—

23 (A) IN GENERAL.—The Secretary shall
24 award grants to eligible entities for identifying,
25 evaluating, designing, and demonstrating en-

1 energy storage and microgrid projects that utilize
2 energy from renewable energy sources.

3 (B) APPLICATION.—To be eligible to re-
4 ceive a grant under subparagraph (A), an eligi-
5 ble entity shall submit to the Secretary an ap-
6 plication at such time, in such manner, and
7 containing such information as the Secretary
8 may require.

9 (C) USE OF GRANT.—An eligible entity
10 that receives a grant under subparagraph (A)—

11 (i) shall use the grant—

12 (I) to conduct feasibility studies
13 to assess the potential for implemen-
14 tation or improvement of energy stor-
15 age or microgrid projects;

16 (II) to analyze and implement
17 strategies to overcome barriers to en-
18 ergy storage or microgrid project im-
19 plementation, including financial, con-
20 tracting, siting, and permitting bar-
21 riers;

22 (III) to conduct detailed engi-
23 neering of energy storage or microgrid
24 projects;

1 (IV) to perform a cost-benefit
2 analysis with respect to an energy
3 storage or microgrid project;

4 (V) to plan for both the short-
5 and long-term inclusion of energy
6 storage or microgrid projects into the
7 future development plans of the eligi-
8 ble entity; or

9 (VI) to purchase and install nec-
10 essary equipment, materials, and sup-
11 plies for demonstration of emerging
12 technologies; and

13 (ii) may use the grant to obtain tech-
14 nical assistance from experts in carrying
15 out the activities described in clause (i).

16 (D) CONDITION.—As a condition of receiv-
17 ing a grant under subparagraph (A), an eligible
18 entity shall—

19 (i) implement a public awareness cam-
20 paign, in coordination with the Secretary,
21 about the project implemented under the
22 grant in the community in which the eligi-
23 ble entity is located;

1 (ii) submit to the Secretary, and make
2 available to the public, a report that de-
3 scribes—

4 (I) any energy cost savings and
5 environmental benefits achieved under
6 the project; and

7 (II) the results of the project, in-
8 cluding quantitative assessments to
9 the extent practicable, associated with
10 each activity described in subpara-
11 graph (C)(i); and

12 (iii) create and disseminate tools and
13 resources that will benefit other rural elec-
14 tric cooperatives, which may include cost
15 calculators, guidebooks, handbooks, tem-
16 plates, and training courses.

17 (E) COST-SHARE.—Activities under this
18 paragraph shall be subject to the cost-sharing
19 requirements of section 988 of the Energy Pol-
20 icy Act of 2005 (42 U.S.C. 16352).

21 (4) TECHNICAL ASSISTANCE.—

22 (A) IN GENERAL.—In carrying out the
23 program established under paragraph (1), the
24 Secretary shall provide eligible entities with
25 technical assistance relating to—

1 (i) identifying opportunities for energy
2 storage and microgrid projects;

3 (ii) understanding the technical and
4 economic characteristics of energy storage
5 or microgrid projects;

6 (iii) understanding financing alter-
7 natives;

8 (iv) permitting and siting issues;

9 (v) obtaining case studies of similar
10 and successful energy storage or microgrid
11 projects;

12 (vi) reviewing and obtaining computer
13 software for assessment, design, and oper-
14 ation and maintenance of energy storage
15 or microgrid systems; and

16 (vii) understanding and utilizing the
17 reliability and resiliency benefits of energy
18 storage and microgrid projects.

19 (B) **EXTERNAL CONTRACTS.**—In carrying
20 out subparagraph (A), the Secretary may enter
21 into contracts with third-party experts, includ-
22 ing engineering, finance, and insurance experts,
23 to provide technical assistance to eligible enti-
24 ties relating to the activities described in such

1 subparagraph, or other relevant activities, as
2 determined by the Secretary.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this section \$5,000,000 for
6 each of fiscal years 2021 through 2025.

7 (2) ADMINISTRATIVE COSTS.—Not more than 5
8 percent of the amount appropriated under para-
9 graph (1) for each fiscal year shall be used for ad-
10 ministrative expenses.

11 **SEC. 33116. INTERREGIONAL TRANSMISSION PLANNING**
12 **RULEMAKING.**

13 (a) IN GENERAL.—Not later than 6 months after the
14 date of the enactment of this section, the Federal Energy
15 Regulatory Commission (hereinafter referred to as “the
16 Commission”) shall initiate a rulemaking to increase the
17 effectiveness of the interregional transmission planning
18 process.

19 (b) ASSESSMENT.—In conducting the rulemaking
20 under subsection (a), the Commission shall assess—

21 (1) the effectiveness of interregional trans-
22 mission planning processes for identifying trans-
23 mission planning solutions that provide economic, re-
24 liability, operation, and public policy benefits, taking
25 into consideration—

- 1 (A) the public interest;
- 2 (B) the integrity of markets; and
- 3 (C) the protection of consumers; and
- 4 (2) proposed changes to the processes described
- 5 in paragraph (1) to ensure that efficient, cost-effective,
- 6 and broadly beneficial transmission solutions
- 7 are selected for construction, taking into consideration—
- 8
- 9 (A) the public interest;
- 10 (B) the integrity of markets;
- 11 (C) the protection of consumers; and
- 12 (D) the range of benefits that interregional
- 13 transmission provides.
- 14 (c) EMPHASIS.—In conducting the rulemaking under
- 15 subsection (a), the Commission shall develop rules that
- 16 emphasize—
- 17 (1) the need for a solution to secure approval
- 18 based on a comprehensive assessment of the multiple
- 19 benefits the solution is expected to provide;
- 20 (2) that interregional benefit analyses made between
- 21 multiple regions should not be subject to reassessment
- 22 by a single regional entity;
- 23 (3) the importance of synchronizing the planning
- 24 processes between regions that neighbor one

1 another, including using one timeline with a single
2 set of needs, input assumptions, and benefit metrics;

3 (4) that evaluation of long-term scenarios
4 should align with the expected life of an inter-
5 regional transmission solution;

6 (5) that transmission planning authorities
7 should allow for the identification and joint evalua-
8 tion between regions of alternative proposals;

9 (6) that the interregional transmission planning
10 process should take place not less frequently than
11 once every 3 years;

12 (7) the elimination of arbitrary voltage, size, or
13 cost requirements for an interregional transmission
14 solution; and

15 (8) cost allocation methodologies that reflect
16 the multiple benefits provided by an interregional
17 transmission solution.

18 (d) TIMING.—Not later than 18 months after the
19 date of the enactment of this section, the Commission
20 shall complete the rulemaking initiated under subsection
21 (a).

22 (e) DEFINITIONS.—In this section:

23 (1) INTERREGIONAL BENEFIT ANALYSIS.—The
24 term “interregional benefit analysis” means the
25 identification and evaluation of the estimated bene-

1 fits of interregional transmission facilities in two or
2 more neighboring transmission planning regions to
3 meet the needs for transmission system reliability,
4 resilience, economic, and public policy requirements.

5 (2) INTERREGIONAL TRANSMISSION PLANNING
6 PROCESS.—The term “interregional transmission
7 planning process” means an evaluation of trans-
8 mission needs established by public utility trans-
9 mission providers in two or more neighboring trans-
10 mission planning regions that are jointly evaluated
11 by those regions.

12 (3) INTERREGIONAL TRANSMISSION SOLU-
13 TION.—The term “interregional transmission solu-
14 tion” means an interregional transmission facility
15 that is evaluated by two or more neighboring trans-
16 mission planning regions and determined by each of
17 those regions for the ability of the project to effi-
18 ciently or cost effectively meet regional transmission
19 needs or to provide substantial benefits that are not
20 addressed in either of the region’s regional planning
21 processes.

22 (4) TRANSMISSION PLANNING AUTHORITY.—
23 The term “transmission planning authority” means
24 the public utility transmission provider within a
25 transmission planning region that is required to cre-

1 ate a regional transmission plan that identifies
2 transmission facilities and nontransmission alter-
3 natives needed to meet regional needs.

4 (5) TRANSMISSION PLANNING REGIONS.—The
5 term “transmission planning regions” means the
6 transmission planning regions recognized by the
7 Commission as compliant with the final rule entitled
8 “Transmission Planning and Cost Allocation by
9 Transmission Owning and Operating Public Utili-
10 ties” located at part 35 of title 18, Code of Federal
11 Regulations (or any successor regulation).

12 **CHAPTER 3—CONTROLLING METHANE**

13 **LEAKS FROM PIPELINES**

14 **SEC. 33121. IMPROVING THE NATURAL GAS DISTRIBUTION** 15 **SYSTEM.**

16 (a) PROGRAM.—The Secretary of Energy shall estab-
17 lish a grant program to provide financial assistance to
18 States to offset the incremental rate increases paid by low-
19 income households resulting from the implementation of
20 State-approved infrastructure replacement, repair, and
21 maintenance programs designed to accelerate the nec-
22 essary replacement, repair, or maintenance of natural gas
23 distribution systems.

24 (b) DATE OF ELIGIBILITY.—Awards may be provided
25 under this section to offset rate increases described in sub-

1 section (a) occurring on or after the date of enactment
2 of this Act.

3 (c) PRIORITIZATION.—The Secretary shall collabo-
4 rate with States to prioritize the distribution of grants
5 made under this section. At a minimum, the Secretary
6 shall consider prioritizing the distribution of grants to
7 States which have—

8 (1) authorized or adopted enhanced infrastruc-
9 ture replacement programs or innovative rate recov-
10 ery mechanisms, such as infrastructure cost trackers
11 and riders, infrastructure base rate surcharges, de-
12 ferred regulatory asset programs, and earnings sta-
13 bility mechanisms; and

14 (2) a viable means for delivering financial as-
15 sistance to low-income households.

16 (d) AUDITING AND REPORTING REQUIREMENTS.—
17 The Secretary shall establish auditing and reporting re-
18 quirements for States with respect to the performance of
19 eligible projects funded pursuant to grants awarded under
20 this section.

21 (e) PREVAILING WAGES.—All laborers and mechanics
22 employed by contractors or subcontractors in the perform-
23 ance of construction, alteration, or repair work assisted,
24 in whole or in part, by a grant under this section shall
25 be paid wages at rates not less than those prevailing on

1 similar construction in the locality as determined by the
2 Secretary of Labor in accordance with subchapter IV of
3 chapter 31 of title 40. With respect to the labor standards
4 in this subsection, the Secretary of Labor shall have the
5 authority and functions set forth in Reorganization Plan
6 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and
7 section 3145 of title 40.

8 (f) DEFINITIONS.—In this section:

9 (1) INNOVATIVE RATE RECOVERY MECHA-
10 NISMS.—The term “innovative rate recovery mecha-
11 nisms” means rate structures that allow State public
12 utility commissions to modify tariffs and recover
13 costs of investments in utility replacement incurred
14 between rate cases.

15 (2) LOW-INCOME HOUSEHOLD.—The term
16 “low-income household” means a household that is
17 eligible to receive payments under section 2605(b)(2)
18 of the Low-Income Home Energy Assistance Act of
19 1981 (42 U.S.C. 8624(b)(2)).

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary
22 \$250,000,000 to carry out this section in each fiscal year
23 beginning in fiscal year 2021 and ending in fiscal year
24 2025.

1 **CHAPTER 4—RENEWABLE ENERGY**

2 **SEC. 33131. GRANT PROGRAM FOR SOLAR INSTALLATIONS**

3 **LOCATED IN, OR THAT SERVE, LOW-INCOME**

4 **AND UNDERSERVED AREAS.**

5 (a) **DEFINITIONS.**—In this section:

6 (1) **BENEFICIARY.**—The term “beneficiary”
7 means a low-income household or a low-income
8 household in an underserved area.

9 (2) **COMMUNITY SOLAR FACILITY.**—The term
10 “community solar facility” means a solar generating
11 facility that—

12 (A) through a voluntary program, has mul-
13 tiple subscribers that receive financial benefits
14 that are directly attributable to the facility;

15 (B) has a nameplate rating of 5 megawatts
16 AC or less; and

17 (C) is located in the utility distribution
18 service territory of subscribers.

19 (3) **COMMUNITY SOLAR SUBSCRIPTION.**—The
20 term “community solar subscription” means a share
21 in the capacity, or a proportional interest in the elec-
22 tricity generation, of a community solar facility.

23 (4) **COVERED FACILITY.**—The term “covered
24 facility” means—

25 (A) a community solar facility—

1 (i) that is located in an underserved
2 area; or

3 (ii) at least 50 percent of the capacity
4 of which is reserved for low-income house-
5 holds;

6 (B) a solar generating facility located at a
7 residence of a low-income household; or

8 (C) a solar generating facility located at a
9 multi-family affordable housing complex.

10 (5) COVERED STATE.—The term “covered
11 State” means a State with processes in place to en-
12 sure that covered facilities deliver financial benefits
13 to low-income households.

14 (6) ELIGIBLE ENTITY.—The term “eligible enti-
15 ty” means—

16 (A) a nonprofit organization that provides
17 services to low-income households or multi-fam-
18 ily affordable housing complexes;

19 (B) a developer, owner, or operator of a
20 community solar facility that reserves a portion
21 of the capacity of the facility for subscribers
22 who are members of low-income households or
23 for low-income households that otherwise finan-
24 cially benefit from the facility;

1 (C) a covered State, or political subdivision
2 thereof;

3 (D) an Indian Tribe or a tribally owned
4 electric utility;

5 (E) a Native Hawaiian community-based
6 organization;

7 (F) any other national or regional entity
8 that has experience developing or installing
9 solar generating facilities for low-income house-
10 holds that maximize financial benefits to those
11 households; and

12 (G) an electric cooperative or municipal
13 electric utility (as such terms are defined in sec-
14 tion 3 of the Federal Power Act).

15 (7) ELIGIBLE INSTALLATION PROJECT.—The
16 term “eligible installation project” means a project
17 to install a covered facility in a covered State.

18 (8) ELIGIBLE PLANNING PROJECT.—The term
19 “eligible planning project” means a project to carry
20 out pre-installation activities for the development of
21 a covered facility in a covered State.

22 (9) ELIGIBLE PROJECT.—The term “eligible
23 project” means—

24 (A) an eligible planning project; or

25 (B) an eligible installation project.

1 (10) FEASIBILITY STUDY.—The term “feasi-
2 bility study” means any activity to determine the
3 feasibility of a specific solar generating facility, in-
4 cluding a customer interest assessment and a siting
5 assessment, as determined by the Secretary.

6 (11) INDIAN TRIBE.—The term “Indian Tribe”
7 means any Indian Tribe, band, nation, or other or-
8 ganized group or community, including any Alaska
9 Native village, Regional Corporation, or Village Cor-
10 poration (as defined in, or established pursuant to,
11 the Alaska Native Claims Settlement Act (43 U.S.C.
12 1601 et seq.)), that is recognized as eligible for the
13 special programs and services provided by the
14 United States to Indians because of their status as
15 Indians.

16 (12) INTERCONNECTION SERVICE.—The term
17 “interconnection service” has the meaning given
18 such term in section 111(d)(15) of the Public Utility
19 Regulatory Policies Act of 1978 (16 U.S.C.
20 2621(d)(15)).

21 (13) LOW-INCOME HOUSEHOLD.—The term
22 “low-income household” means that income in rela-
23 tion to family size which—

24 (A) is at or below 200 percent of the pov-
25 erty level determined in accordance with criteria

1 established by the Director of the Office of
2 Management and Budget, except that the Sec-
3 retary may establish a higher level if the Sec-
4 retary determines that such a higher level is
5 necessary to carry out the purposes of this sec-
6 tion;

7 (B) is the basis on which cash assistance
8 payments have been paid during the preceding
9 12-month period under titles IV and XVI of the
10 Social Security Act (42 U.S.C. 601 et seq.,
11 1381 et seq.) or applicable State or local law;
12 or

13 (C) if a State elects, is the basis for eligi-
14 bility for assistance under the Low-Income
15 Home Energy Assistance Act of 1981 (42
16 U.S.C. 8621 et seq.), provided that such basis
17 is at least 200 percent of the poverty level de-
18 termined in accordance with criteria established
19 by the Director of the Office of Management
20 and Budget.

21 (14) MULTI-FAMILY AFFORDABLE HOUSING
22 COMPLEX.—The term “multi-family affordable hous-
23 ing complex” means any federally subsidized afford-
24 able housing complex in which at least 50 percent of
25 the units are reserved for low-income households.

1 (15) NATIVE HAWAIIAN COMMUNITY-BASED OR-
2 GANIZATION.—The term “Native Hawaiian commu-
3 nity-based organization” means any organization
4 that is composed primarily of Native Hawaiians
5 from a specific community and that assists in the
6 social, cultural, and educational development of Na-
7 tive Hawaiians in that community.

8 (16) PROGRAM.—The term “program” means
9 the program established under subsection (b).

10 (17) SECRETARY.—The term “Secretary”
11 means the Secretary of Energy.

12 (18) SOLAR GENERATING FACILITY.—The term
13 “solar generating facility” means—

14 (A) a generator that creates electricity
15 from light photons; and

16 (B) the accompanying hardware enabling
17 that electricity to flow—

18 (i) onto the electric grid;

19 (ii) into a facility or structure; or

20 (iii) into an energy storage device.

21 (19) STATE.—The term “State” means each of
22 the 50 States, the District of Columbia, Guam, the
23 Commonwealth of Puerto Rico, the Northern Mar-
24 iana Islands, the Virgin Islands, and American
25 Samoa.

1 (20) SUBSCRIBER.—The term “subscriber”
2 means a person who—

3 (A) owns a community solar subscription,
4 or an equivalent unit or share of the capacity
5 or generation of a community solar facility; or

6 (B) financially benefits from a community
7 solar facility, even if the person does not own
8 a community solar subscription for the facility.

9 (21) UNDERSERVED AREA.—The term “under-
10 served area” means—

11 (A) a geographical area with low or no
12 photovoltaic solar deployment, as determined by
13 the Secretary;

14 (B) a geographical area that has low or no
15 access to electricity, as determined by the Sec-
16 retary;

17 (C) a geographical area with an average
18 annual residential retail electricity price that
19 exceeds the national average annual residential
20 retail electricity price (as reported by the En-
21 ergy Information Agency) by 50 percent or
22 more; or

23 (D) trust land, as defined in section 3765
24 of title 38, United States Code.

1 (b) ESTABLISHMENT.—The Secretary shall establish
2 a program to provide financial assistance to eligible enti-
3 ties—

4 (1) carry out planning projects that are nec-
5 essary to establish the feasibility, obtain required
6 permits, identify beneficiaries, or secure subscribers
7 to install a covered facility; or

8 (2) install a covered facility for beneficiaries in
9 accordance with this section.

10 (c) APPLICATIONS.—

11 (1) IN GENERAL.—To be eligible to receive as-
12 sistance under the program, an eligible entity shall
13 submit to the Secretary an application at such time,
14 in such manner, and containing such information as
15 the Secretary may require.

16 (2) INCLUSION FOR INSTALLATION ASSIST-
17 ANCE.—

18 (A) REQUIREMENTS.—For an eligible enti-
19 ty to receive assistance for a project to install
20 a covered facility, the Secretary shall require
21 the eligible entity to include—

22 (i) information in the application that
23 is sufficient to demonstrate that the eligi-
24 ble entity has obtained, or has the capacity
25 to obtain, necessary permits, subscribers,

1 access to an installation site, and any other
2 items or agreements necessary to comply
3 with an agreement under subsection (g)(1)
4 and to complete the installation of the ap-
5 plicable covered facility;

6 (ii) a description of the mechanism
7 through which financial benefits will be
8 distributed to beneficiaries or subscribers;
9 and

10 (iii) an estimate of the anticipated fi-
11 nancial benefit for beneficiaries or sub-
12 sscribers.

13 (B) CONSIDERATION OF PLANNING
14 PROJECTS.—The Secretary shall consider the
15 successful completion of an eligible planning
16 project pursuant to subsection (b)(1) by the eli-
17 gible entity to be sufficient to demonstrate the
18 ability of the eligible entity to meet the require-
19 ments of subparagraph (A)(i).

20 (d) SELECTION.—

21 (1) IN GENERAL.—In selecting eligible projects
22 to receive assistance under the program, the Sec-
23 retary shall—

24 (A) prioritize—

1 (i) eligible installation projects that
2 will result in the most financial benefit for
3 subscribers, as determined by the Sec-
4 retary;

5 (ii) eligible installation projects that
6 will result in development of covered facili-
7 ties in underserved areas; and

8 (iii) eligible projects that include ap-
9 prenticeship, job training, or community
10 participation as part of their application;
11 and

12 (B) ensure that such assistance is provided
13 in a manner that results in eligible projects
14 being carried out on a geographically diverse
15 basis within and among covered States.

16 (2) DETERMINATION OF FINANCIAL BEN-
17 EFIT.—In determining the amount of financial ben-
18 efit for low-income households of an eligible installa-
19 tion project, the Secretary shall ensure that all cal-
20 culations for estimated household energy savings are
21 based solely on electricity offsets from the applicable
22 covered facility and use formulas established by the
23 State or local government with jurisdiction over the
24 applicable covered facility for verifiable household

1 energy savings estimates that accrue to low-income
2 households.

3 (e) ASSISTANCE.—

4 (1) FORM.—The Secretary may provide assist-
5 ance under the program in the form of a grant
6 (which may be in the form of a rebate) or a low-in-
7 terest loan.

8 (2) MULTIPLE PROJECTS FOR SAME FACIL-
9 ITY.—

10 (A) IN GENERAL.—An eligible entity may
11 apply for assistance under the program for an
12 eligible planning project and an eligible installa-
13 tion project for the same covered facility.

14 (B) SEPARATE SELECTIONS.—Selection by
15 the Secretary for assistance under the program
16 of an eligible planning project does not require
17 the Secretary to select for assistance under the
18 program an eligible installation project for the
19 same covered facility.

20 (f) USE OF ASSISTANCE.—

21 (1) ELIGIBLE PLANNING PROJECTS.—An eligi-
22 ble entity receiving assistance for an eligible plan-
23 ning project under the program may use such assist-
24 ance to pay the costs of pre-installation activities as-

1 sociated with an applicable covered facility, includ-
2 ing—

3 (A) feasibility studies;

4 (B) permitting;

5 (C) site assessment;

6 (D) on-site job training, or other commu-
7 nity-based activities directly associated with the
8 eligible planning project; or

9 (E) such other costs determined by the
10 Secretary to be appropriate.

11 (2) ELIGIBLE INSTALLATION PROJECTS.—An
12 eligible entity receiving assistance for an eligible in-
13 stallation project under the program may use such
14 assistance to pay the costs of—

15 (A) installation of a covered facility, in-
16 cluding costs associated with materials, permit-
17 ting, labor, or site preparation;

18 (B) storage technology sited at a covered
19 facility;

20 (C) interconnection service expenses;

21 (D) on-site job training, or other commu-
22 nity-based activities directly associated with the
23 eligible installation project;

24 (E) offsetting the cost of a subscription for
25 a covered facility described in subparagraph (A)

1 of subsection (a)(4) for subscribers that are
2 members of a low income household; or

3 (F) such other costs determined by the
4 Secretary to be appropriate.

5 (g) ADMINISTRATION.—

6 (1) AGREEMENTS.—

7 (A) IN GENERAL.—As a condition of re-
8 ceiving assistance under the program, an eligi-
9 ble entity shall enter into an agreement with
10 the Secretary.

11 (B) REQUIREMENTS.—An agreement en-
12 tered into under this paragraph—

13 (i) shall require the eligible entity to
14 maintain such records and adopt such ad-
15 ministrative practices as the Secretary may
16 require to ensure compliance with the re-
17 quirements of this section and the agree-
18 ment;

19 (ii) with respect to an eligible installa-
20 tion project shall require that any solar
21 generating facility installed using assist-
22 ance provided pursuant to the agreement
23 comply with local building and safety codes
24 and standards; and

1 (iii) shall contain such other terms as
2 the Secretary may require to ensure com-
3 pliance with the requirements of this sec-
4 tion.

5 (C) TERM.—An agreement under this
6 paragraph shall be for a term that begins on
7 the date on which the agreement is entered into
8 and ends on the date that is 2 years after the
9 date on which the eligible entity receives assist-
10 ance pursuant to the agreement, which term
11 may be extended once for a period of not more
12 than 1 year if the eligible entity demonstrates
13 to the satisfaction of the Secretary that such an
14 extension is necessary to complete the activities
15 required by the agreement.

16 (2) USE OF FUNDS.—Of the funds made avail-
17 able to provide assistance to eligible installation
18 projects under this section over the period of fiscal
19 years 2021 through 2025, the Secretary shall use—

20 (A) not less than 50 percent to provide as-
21 sistance for eligible installation projects with re-
22 spect to which low-income households make up
23 at least 50 percent of the subscribers to the
24 project; and

1 (B) not more than 50 percent to provide
2 assistance for eligible installation projects with
3 respect to which low-income households make
4 up at least 25 percent of the subscribers to the
5 project.

6 (3) REGULATIONS.—Not later than 120 days
7 after the date of enactment of this Act, the Sec-
8 retary shall publish in the Federal Register regula-
9 tions to carry out this section, which shall take ef-
10 fect on the date of publication.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to the Secretary to carry out this sec-
14 tion \$200,000,000 for each of fiscal years 2021
15 through 2025, to remain available until expended.

16 (2) AMOUNTS FOR PLANNING PROJECTS.—Of
17 the amounts appropriated pursuant to this section
18 over the period of fiscal years 2021 through 2025,
19 the Secretary shall use not more than 15 percent of
20 funds to provide assistance to eligible planning
21 projects.

22 (i) RELATIONSHIP TO OTHER ASSISTANCE.—The
23 Secretary shall, to the extent practicable, encourage eligi-
24 ble entities that receive assistance under this section to
25 leverage such funds by seeking additional funding through

1 federally or locally subsidized weatherization and energy
2 efficiency programs.

3 **CHAPTER 5—SMART COMMUNITIES**

4 **SEC. 33141. 3C ENERGY PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Energy
6 shall establish a program to be known as the Cities, Coun-
7 ties, and Communities Energy Program (or the 3C Energy
8 Program) to provide technical assistance and competitively
9 awarded grants to local governments, public housing au-
10 thorities, nonprofit organizations, and other entities the
11 Secretary determines to be eligible, to incorporate clean
12 energy into community development and revitalization ef-
13 forts.

14 (b) BEST PRACTICE MODELS.—The Secretary of En-
15 ergy shall—

16 (1) provide a recipient of technical assistance or
17 a grant under the program established under sub-
18 section (a) with best practice models that are used
19 in jurisdictions of similar size and situation; and

20 (2) assist such recipient in developing and im-
21 plementing strategies to achieve its clean energy
22 technology goals.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 \$50,000,000 for each of fiscal years 2021 through 2025.

1 **SEC. 33142. FEDERAL TECHNOLOGY ASSISTANCE.**

2 (a) SMART CITY OR COMMUNITY ASSISTANCE PILOT
3 PROGRAM.—

4 (1) IN GENERAL.—The Secretary of Energy
5 shall develop and implement a pilot program under
6 which the Secretary shall contract with the national
7 laboratories to provide technical assistance to cities
8 and communities, to improve the access of such cit-
9 ies and communities to expertise, competencies, and
10 infrastructure of the national laboratories for the
11 purpose of promoting smart city or community tech-
12 nologies.

13 (2) PARTNERSHIPS.—In carrying out the pro-
14 gram under this subsection, the Secretary of Energy
15 shall prioritize assistance for cities and communities
16 that have partnered with small business concerns.

17 (b) TECHNOLOGIST IN RESIDENCE PILOT PRO-
18 GRAM.—

19 (1) IN GENERAL.—The Secretary of Energy
20 shall expand the Technologist in Residence pilot pro-
21 gram of the Department of Energy to include part-
22 nerships between national laboratories and local gov-
23 ernments with respect to research and development
24 relating to smart cities and communities.

25 (2) REQUIREMENTS.—For purposes of the part-
26 nerships entered into under paragraph (1), tech-

1 nologists in residence shall work with an assigned
2 unit of local government to develop an assessment of
3 smart city or community technologies available and
4 appropriate to meet the objectives of the city or
5 community, in consultation with private sector enti-
6 ties implementing smart city or community tech-
7 nologies.

8 (c) GUIDANCE.—The Secretary of Energy, in con-
9 sultation with the Secretary of Commerce, shall issue
10 guidance with respect to—

11 (1) the scope of the programs established and
12 implemented under subsections (a) and (b); and

13 (2) requests for proposals from local govern-
14 ments interested in participating in such programs.

15 (d) CONSIDERATIONS.—In establishing and imple-
16 menting the programs under subsections (a) and (b), the
17 Secretary of Energy shall seek to address the needs of
18 small- and medium-sized cities.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$20,000,000 for each of fiscal years 2021 through 2025.

22 **SEC. 33143. TECHNOLOGY DEMONSTRATION GRANT PRO-**
23 **GRAM.**

24 (a) IN GENERAL.—The Secretary of Commerce shall
25 establish a smart city or community regional demonstra-

1 tion grant program under which the Secretary shall con-
2 duct demonstration projects focused on advanced smart
3 city or community technologies and systems in a variety
4 of communities, including small- and medium-sized cities.

5 (b) GOALS.—The goals of the program established
6 under subsection (a) are—

7 (1) to demonstrate—

8 (A) potential benefits of concentrated in-
9 vestments in smart city or community tech-
10 nologies relating to public safety that are re-
11 peatable and scalable; and

12 (B) the efficiency, reliability, and resilience
13 of civic infrastructure and services;

14 (2) to facilitate the adoption of advanced smart
15 city or community technologies and systems; and

16 (3) to demonstrate protocols and standards that
17 allow for the measurement and validation of the cost
18 savings and performance improvements associated
19 with the installation and use of smart city or com-
20 munity technologies and practices.

21 (c) DEMONSTRATION PROJECTS.—

22 (1) ELIGIBILITY.—Subject to paragraph (2), a
23 unit of local government shall be eligible to receive
24 a grant for a demonstration project under this sec-
25 tion.

1 (2) COOPERATION.—To qualify for a dem-
2 onstration project under this section, a unit of local
3 government shall agree to follow applicable best
4 practices identified by the Secretary of Commerce
5 and the Secretary of Energy, in consultation with in-
6 dustry entities, to evaluate the effectiveness of the
7 implemented smart city or community technologies
8 to ensure that—

9 (A) technologies and interoperability can
10 be assessed;

11 (B) best practices can be shared; and

12 (C) data can be shared in a public, inter-
13 operable, and transparent format.

14 (3) FEDERAL SHARE OF COST OF TECHNOLOGY
15 INVESTMENTS.—The Secretary of Commerce—

16 (A) subject to subparagraph (B), shall pro-
17 vide to a unit of local government selected
18 under this section for the conduct of a dem-
19 onstration project a grant in an amount equal
20 to not more than 50 percent of the total cost
21 of technology investments to incorporate and
22 assess smart city or community technologies in
23 the applicable jurisdiction; but

1 (B) may waive the cost-share requirement
2 of subparagraph (A) as the Secretary deter-
3 mines to be appropriate.

4 (d) REQUIREMENT.—In conducting demonstration
5 projects under this section, the Secretary shall—

6 (1) develop competitive, technology-neutral re-
7 quirements;

8 (2) seek to leverage ongoing or existing civic in-
9 frastructure investments; and

10 (3) take into consideration the non-Federal cost
11 share as a competitive criterion in applicant selec-
12 tion in order to leverage non-Federal investment.

13 (e) PUBLIC AVAILABILITY OF DATA AND RE-
14 PORTS.—The Secretary of Commerce shall ensure that re-
15 ports, public data sets, schematics, diagrams, and other
16 works created using a grant provided under this section
17 are—

18 (1) available on a royalty-free, non-exclusive
19 basis; and

20 (2) open to the public to reproduce, publish, or
21 otherwise use, without cost.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out subsection
24 (c) \$100,000,000 for each of fiscal years 2021 through
25 2025.

1 **SEC. 33144. SMART CITY OR COMMUNITY.**

2 (a) IN GENERAL.—In this chapter, the term “smart
3 city or community” means a community in which innova-
4 tive, advanced, and trustworthy information and commu-
5 nication technologies and related mechanisms are ap-
6 plied—

7 (1) to improve the quality of life for residents;

8 (2) to increase the efficiency and cost effective-
9 ness of civic operations and services;

10 (3) to promote economic growth; and

11 (4) to create a community that is safer and
12 more secure, sustainable, resilient, livable, and work-
13 able.

14 (b) INCLUSIONS.—The term “smart city or commu-
15 nity” includes a local jurisdiction that—

16 (1) gathers and incorporates data from sys-
17 tems, devices, and sensors embedded in civic systems
18 and infrastructure to improve the effectiveness and
19 efficiency of civic operations and services;

20 (2) aggregates and analyzes gathered data;

21 (3) communicates the analysis and data in a va-
22 riety of formats;

23 (4) makes corresponding improvements to civic
24 systems and services based on gathered data; and

25 (5) integrates measures—

1 (A) to ensure the resilience of civic systems
2 against cybersecurity threats and physical and
3 social vulnerabilities and breaches;

4 (B) to protect the private data of resi-
5 dents; and

6 (C) to measure the impact of smart city or
7 community technologies on the effectiveness and
8 efficiency of civic operations and services.

9 **SEC. 33145. CLEAN CITIES COALITION PROGRAM.**

10 (a) IN GENERAL.—The Secretary shall carry out a
11 program to be known as the Clean Cities Coalition Pro-
12 gram.

13 (b) PROGRAM ELEMENTS.—In carrying out the pro-
14 gram under subsection (a), the Secretary shall—

15 (1) establish criteria for designating local and
16 regional Clean Cities Coalitions;

17 (2) designate local and regional Clean Cities
18 Coalitions that the Secretary determines meet the
19 criteria established under paragraph (1);

20 (3) make awards to each designated Clean Cit-
21 ies Coalition for administrative and program ex-
22 penses of the coalition;

23 (4) make competitive awards to designated
24 Clean Cities Coalitions for projects and activities de-
25 scribed in subsection (c);

1 (5) provide technical assistance and training to
2 designated Clean Cities Coalitions;

3 (6) provide opportunities for communication
4 and sharing of best practices among designated
5 Clean Cities Coalitions; and

6 (7) maintain, and make available to the public,
7 a centralized database of information included in the
8 reports submitted under subsection (d).

9 (c) **PROJECTS AND ACTIVITIES.**—Projects and activi-
10 ties eligible for awards under subsection (b)(4) are
11 projects and activities that reduce petroleum consumption,
12 improve air quality, promote energy and economic secu-
13 rity, and encourage deployment of a diverse, domestic sup-
14 ply of alternative fuels in the transportation sector by—

15 (1) encouraging the purchase and use of alter-
16 native fuel vehicles and alternative fuels, including
17 by fleet managers;

18 (2) expediting the establishment of local, re-
19 gional, and national infrastructure to fuel alternative
20 fuel vehicles;

21 (3) advancing the use of other petroleum fuel
22 reduction technologies and strategies;

23 (4) conducting outreach and education activities
24 to advance the use of alternative fuels and alter-
25 native fuel vehicles;

1 (5) providing training and technical assistance
2 and tools to users that adopt petroleum fuel reduc-
3 tion technologies; or

4 (6) collaborating with and training officials and
5 first responders with responsibility for permitting
6 and enforcing fire, building, and other safety codes
7 related to the deployment and use of alternative
8 fuels or alternative fuel vehicles.

9 (d) ANNUAL REPORT.—Each designated Clean Cities
10 Coalition shall submit an annual report to the Secretary
11 on the activities and accomplishments of the coalition.

12 (e) DEFINITIONS.—In this section:

13 (1) ALTERNATIVE FUEL.—The term “alter-
14 native fuel” has the meaning given such term in sec-
15 tion 32901 of title 49, United States Code.

16 (2) ALTERNATIVE FUEL VEHICLE.—The term
17 “alternative fuel vehicle” means any vehicle that is
18 capable of operating, partially or exclusively, on an
19 alternative fuel.

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of Energy.

22 (f) FUNDING.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to carry out
25 this section—

- 1 (A) \$50,000,000 for fiscal year 2021;
2 (B) \$60,000,000 for fiscal year 2022;
3 (C) \$75,000,000 for fiscal year 2023;
4 (D) \$90,000,000 for fiscal year 2024; and
5 (E) \$100,000,000 for fiscal year 2025.

6 (2) ALLOCATIONS.—The Secretary shall allo-
7 cate funds made available to carry out this section
8 in each fiscal year as follows:

9 (A) Thirty percent of such funds shall be
10 distributed as awards under subsection (b)(3).

11 (B) Fifty percent of such funds shall be
12 distributed as competitive awards under sub-
13 section (b)(4).

14 (C) Twenty percent of such funds shall be
15 used to carry out the duties of the Secretary
16 under this section.

17 **CHAPTER 6—BROWNFIELDS**

18 **SEC. 33151. BROWNFIELDS FUNDING.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
20 104(k)(13) of the Comprehensive Environmental Re-
21 sponse, Compensation, and Liability Act of 1980 (42
22 U.S.C. 9604(k)(13)) is amended to read as follows:

23 “(13) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to carry out
25 this subsection—

1 “(A) \$350,000,000 for fiscal year 2021;

2 “(B) \$400,000,000 for fiscal year 2022;

3 “(C) \$450,000,000 for fiscal year 2023;

4 “(D) \$500,000,000 for fiscal year 2024;

5 and

6 “(E) \$550,000,000 for fiscal year 2025.”.

7 (b) STATE RESPONSE PROGRAMS.—Section
8 128(a)(3) of the Comprehensive Environmental Response,
9 Compensation, and Liability Act of 1980 (42 U.S.C.
10 9628(a)(3)) is amended to read as follows:

11 “(3) FUNDING.—There are authorized to be ap-
12 propriated to carry out this subsection—

13 “(A) \$70,000,000 for fiscal year 2021;

14 “(B) \$80,000,000 for fiscal year 2022;

15 “(C) \$90,000,000 for fiscal year 2023;

16 “(D) \$100,000,000 for fiscal year 2024;

17 and

18 “(E) \$110,000,000 for fiscal year 2025.”.

19 **CHAPTER 7—INDIAN ENERGY**

20 **SEC. 33161. INDIAN ENERGY.**

21 (a) DEFINITION OF INDIAN LAND.—Section 2601(2)
22 of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))
23 is amended—

24 (1) in subparagraph (B)(iii), by striking “and”;

1 (2) in subparagraph (C), by striking “land.”
2 and inserting “land; and”; and

3 (3) by adding at the end the following subpara-
4 graph:

5 “(D) any land in a census tract in which
6 the majority of the residents are Natives (as de-
7 fined in section 3(b) of the Alaska Native
8 Claims Settlement Act (43 U.S.C. 1602(b)).”.

9 (b) REDUCTION OF COST SHARE.—Section
10 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C.
11 3502(b)(5)) is amended by adding at the end the following
12 subparagraph:

13 “(D) The Director may reduce any applicable
14 cost share required of an Indian tribe, intertribal or-
15 ganization, or tribal energy development organiza-
16 tion in order to receive a grant under this subsection
17 to not less than 10 percent if the Indian tribe, inter-
18 tribal organization, or tribal energy development or-
19 ganization meets criteria developed by the Director,
20 including financial need.

21 “(E) Section 988 of the Energy Policy Act of
22 2005 (42 U.S.C. 16352) shall not apply to grants
23 provided under this subsection.”.

24 (c) AUTHORIZATION.—Section 2602(b)(7) of the En-
25 ergy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amend-

1 ed by striking “\$20,000,000 for each of fiscal years 2006
2 through 2016” and inserting “\$50,000,000 for each of fis-
3 cal years 2021 through 2025”.

4 **SEC. 33162. REPORT ON ELECTRICITY ACCESS AND RELI-**
5 **ABILITY.**

6 (a) ASSESSMENT.—The Secretary of Energy shall
7 conduct an assessment of the status of access to electricity
8 by households residing in Tribal communities or on Indian
9 land, and the reliability of electric service available to
10 households residing in Tribal communities or on Indian
11 land, as compared to the status of access to and reliability
12 of electricity within neighboring States or within the State
13 in which Indian land is located.

14 (b) CONSULTATION.—The Secretary of Energy shall
15 consult with Indian Tribes, Tribal organizations, the
16 North American Electricity Reliability Corporation, and
17 the Federal Energy Regulatory Commission in the devel-
18 opment and conduct of the assessment under subsection
19 (a). Indian Tribes and Tribal organizations shall have the
20 opportunity to review and make recommendations regard-
21 ing the development of the assessment and the findings
22 of the assessment, prior to the submission of the report
23 under subsection (c).

24 (c) REPORT.—Not later than 18 months after the
25 date of enactment of this Act, the Secretary of Energy

1 shall submit to the Committee on Energy and Commerce
2 of the House of Representatives and the Committee on
3 Energy and Natural Resources of the Senate a report on
4 the results of the assessment conducted under subsection
5 (a), which shall include—

6 (1) a description of generation, transmission,
7 and distribution assets available to provide electricity
8 to households residing in Tribal communities or on
9 Indian land;

10 (2) a survey of the retail and wholesale prices
11 of electricity available to households residing in
12 Tribal communities or on Indian land;

13 (3) a description of participation of Tribal
14 members in the electric utility workforce, including
15 the workforce for construction and maintenance of
16 renewable energy resources and distributed energy
17 resources;

18 (4) the percentage of households residing in
19 Tribal communities or on Indian land that do not
20 have access to electricity;

21 (5) the potential of distributed energy resources
22 to provide electricity to households residing in Tribal
23 communities or on Indian land;

1 (6) the potential for tribally-owned electric utili-
2 ties or electric utility assets to participate in or ben-
3 efit from regional electricity markets;

4 (7) a description of the barriers to providing ac-
5 cess to electric service to households residing in
6 Tribal communities or on Indian land; and

7 (8) recommendations to improve access to and
8 reliability of electric service for households residing
9 in Tribal communities or on Indian land.

10 (d) DEFINITIONS.—In this section:

11 (1) TRIBAL MEMBER.—The term “Tribal mem-
12 ber” means a person who is an enrolled member of
13 a federally recognized Tribe or village.

14 (2) TRIBAL COMMUNITY.—The term “Tribal
15 community” means a community in a United States
16 census tract in which the majority of residents are
17 persons who are enrolled members of a federally rec-
18 ognized Tribe or village.

19 **CHAPTER 8—HYDROPOWER AND DAM**
20 **SAFETY**

21 **SEC. 33171. HYDROELECTRIC PRODUCTION INCENTIVES**
22 **AND EFFICIENCY IMPROVEMENTS.**

23 (a) HYDROELECTRIC PRODUCTION INCENTIVES.—
24 Section 242 of the Energy Policy Act of 2005 (42 U.S.C.
25 15881) is amended—

1 (1) in subsection (b), by striking paragraph (1)
2 and inserting the following:

3 “(1) QUALIFIED HYDROELECTRIC FACILITY.—
4 The term ‘qualified hydroelectric facility’ means a
5 turbine or other generating device owned or solely
6 operated by a non-Federal entity—

7 “(A) that generates hydroelectric energy
8 for sale; and

9 “(B)(i) that is added to an existing dam or
10 conduit; or

11 “(ii)(I) that has a generating capacity of
12 not more than 10 megawatts;

13 “(II) for which the non-Federal entity has
14 received a construction authorization from the
15 Federal Energy Regulatory Commission, if ap-
16 plicable; and

17 “(III) that is constructed in a region in
18 which there is inadequate electric service, as de-
19 termined by the Secretary.”;

20 (2) in subsection (c), by striking “10” and in-
21 serting “22”;

22 (3) in subsection (e)(2), by striking “section
23 29(d)(2)(B)” and inserting “section 45K(d)(2)(B)”;

24 (4) in subsection (f), by striking “20” and in-
25 serting “32”; and

1 (5) in subsection (g), by striking “each of the
2 fiscal years 2006 through 2015” and inserting “each
3 of fiscal years 2019 through 2036”.

4 (b) **HYDROELECTRIC EFFICIENCY IMPROVEMENT.**—
5 Section 243(c) of the Energy Policy Act of 2005 (42
6 U.S.C. 15882(c)) is amended by striking “each of the fis-
7 cal years 2006 through 2015” and inserting “each of fis-
8 cal years 2019 through 2036”.

9 **SEC. 33172. FERC BRIEFING ON EDENVILLE DAM AND SAN-**
10 **FORD DAM FAILURES.**

11 Not later than 90 days after the date on which the
12 Forensic Investigation Team submits to the Federal En-
13 ergy Regulatory Commission the reports on the root
14 causes, and any other contributing causes, of the Edenville
15 Dam and Sanford Dam failures, the Federal Energy Reg-
16 ulatory Commission shall conduct a briefing for, and sub-
17 mit a report summarizing such briefing to, the Committee
18 on Energy and Commerce of the House of Representatives
19 that includes—

20 (1) an explanation of the findings of the Foren-
21 sic Investigation Team reports on the root causes,
22 and any other contributing causes, of the Edenville
23 Dam and Sanford Dam failures;

24 (2) a determination of whether the dam safety
25 procedures of the Federal Energy Regulatory Com-

1 mission should be revised in light of the lessons
2 learned from such reports;

3 (3) a determination of whether additional safety
4 inspections of dams should be required after large
5 storms;

6 (4) a determination of whether the safety re-
7 quirements and testing protocols for dams ade-
8 quately account for the projected effects of climate
9 change and atmospheric rivers on dams; and

10 (5) a determination of whether additional ac-
11 tions should be taken to ensure the safety of dams
12 that operate without an emergency spillway.

13 **SEC. 33173. DAM SAFETY CONDITIONS.**

14 Section 10 of the Federal Power Act (16 U.S.C. 803)
15 is amended by adding at the end the following:

16 “(k) That the dam and other project works meet the
17 Commission’s dam safety requirements and that the li-
18 censee shall continue to manage, operate, and maintain
19 the dam and other project works in a manner that ensures
20 dam safety and public safety under the operating condi-
21 tions of the license.”.

22 **SEC. 33174. DAM SAFETY REQUIREMENTS.**

23 Section 15 of the Federal Power Act (16 U.S.C. 808)
24 is amended by adding at the end the following:

1 “(g) The Commission may issue a new license under
2 this section only if the Commission determines that the
3 dam and other project works covered by the license meet
4 the Commission’s dam safety requirements and that the
5 licensee can continue to manage, operate, and maintain
6 the dam and other project works in a manner that ensures
7 dam safety and public safety under the operating condi-
8 tions of the new license.”.

9 **SEC. 33175. VIABILITY PROCEDURES.**

10 The Federal Energy Regulatory Commission shall es-
11 tablish procedures to assess the financial viability of an
12 applicant for a license under the Federal Power Act to
13 meet applicable dam safety requirements and to operate
14 the dam and project works under the license.

15 **SEC. 33176. FERC DAM SAFETY TECHNICAL CONFERENCE**
16 **WITH STATES.**

17 (a) TECHNICAL CONFERENCE.—Not later than April
18 1, 2021, the Federal Energy Regulatory Commission, act-
19 ing through the Office of Energy Projects, shall hold a
20 technical conference with the States to discuss and provide
21 information on—

- 22 (1) dam maintenance and repair;
- 23 (2) Risk Informed Decision Making (RIDM);
- 24 (3) climate and hydrological regional changes
- 25 that may affect the structural integrity of dams; and

1 (4) high hazard dams.

2 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to carry out this section
4 \$1,000,000 for fiscal year 2021.

5 (c) STATE DEFINED.—In this section, the term
6 “State” has the meaning given such term in section 3 of
7 the Federal Power Act (16 U.S.C. 796).

8 **SEC. 33177. REQUIRED DAM SAFETY COMMUNICATIONS BE-**
9 **TWEEN FERC AND STATES.**

10 (a) IN GENERAL.—The Commission, acting through
11 the Office of Energy Projects, shall notify a State within
12 which a project is located when—

13 (1) the Commission issues a finding, following
14 a dam safety inspection, that requires the licensee
15 for such project to take actions to repair the dam
16 and other project works that are the subject of such
17 finding;

18 (2) after a period of 5 years starting on the
19 date a finding under paragraph (1) is issued, the li-
20 censee has failed to take actions to repair the dam
21 and other project works, as required by such finding;
22 and

23 (3) the Commission initiates a non-compliance
24 proceeding or otherwise takes steps to revoke a li-
25 cense issued under section 4 of the Federal Power

1 Act (16 U.S.C. 797) due to the failure of a licensee
2 to take actions to repair a dam and other project
3 works.

4 (b) NOTICE UPON REVOCATION, SURRENDER, OR IM-
5 PLIED SURRENDER OF A LICENSE.—If the Commission
6 issues an order to revoke a license or approve the sur-
7 render or implied surrender of a license under the Federal
8 Power Act (16 U.S.C. 792 et seq.), the Commission shall
9 provide to the State within which the project that relates
10 to such license is located—

11 (1) all records pertaining to the structure and
12 operation of the applicable dam and other project
13 works, including, as applicable, any dam safety in-
14 spection reports by independent consultants, speci-
15 fications for required repairs or maintenance of such
16 dam and other project works that have not been
17 completed, and estimates of the costs for such re-
18 pairs or maintenance;

19 (2) all records documenting the history of main-
20 tenance or repair work for the applicable dam and
21 other project works;

22 (3) information on the age of the dam and
23 other project works and the hazard classification of
24 the dam and other project works;

1 (4) the most recent assessment of the condition
2 of the dam and other project works by the Commis-
3 sion;

4 (5) as applicable, the most recent hydrologic in-
5 formation used to determine the potential maximum
6 flood for the dam and other project works; and

7 (6) the results of the most recent risk assess-
8 ment completed on the dam and other project works.

9 (c) DEFINITION.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Energy Regulatory Commission.

12 (2) LICENSEE.—The term “licensee” has the
13 meaning given such term in section 3 of the Federal
14 Power Act (16 U.S.C. 796).

15 (3) PROJECT.—The term “project” has the
16 meaning given such term in section 3 of the Federal
17 Power Act (16 U.S.C. 796).

18 **CHAPTER 9—LOAN PROGRAM OFFICE**

19 **REFORM**

20 **SEC. 33181. LOAN PROGRAM OFFICE TITLE XVII REFORM.**

21 (a) TERMS AND CONDITIONS.—Section 1702 of the
22 Energy Policy Act of 2005 (42 U.S.C. 16512) is amend-
23 ed—

24 (1) by amending subsection (b) to read as fol-
25 lows:

1 “(b) SPECIFIC APPROPRIATION OR CONTRIBU-
2 TION.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), the cost of a guarantee shall be paid by
5 the Secretary using an appropriation made for the
6 cost of the guarantee, subject to the availability of
7 such an appropriation.

8 “(2) INSUFFICIENT APPROPRIATIONS.—If suffi-
9 cient appropriated funds to pay the cost of a guar-
10 antee are not available, then the guarantee shall not
11 be made unless—

12 “(A) the Secretary has received from the
13 borrower a payment in full for the cost of the
14 guarantee and deposited the payment into the
15 Treasury; or

16 “(B) a combination of one or more appro-
17 priations and one or more payments from the
18 borrower under this subsection has been made
19 that is sufficient to cover the cost of the guar-
20 antee.”;

21 (2) in subsection (h)(1), by striking “charge
22 and collect fees” and inserting “charge, and collect
23 at the financial close of the obligation, fees”; and

24 (3) by adding at the end the following:

25 “(1) APPLICATION STATUS.—

1 “(1) REQUEST.—If the Secretary does not
2 make a final decision on an application for a guar-
3 antee under this section by the date that is 270 days
4 after receipt of the application by the Secretary, on
5 that date and every 90 days thereafter until the
6 final decision is made, the applicant may request
7 that the Secretary provide to the applicant a de-
8 scription of the status of the application.

9 “(2) RESPONSE.—Not later than 10 days after
10 receiving a request from an applicant under para-
11 graph (1), the Secretary shall provide to the appli-
12 cant a response that includes—

13 “(A) a summary of any factors that are
14 delaying a final decision on the application; and

15 “(B) an estimate of when review of the ap-
16 plication will be completed.”.

17 (b) PROJECT ELIGIBILITY EXPANSION.—Section
18 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513)
19 is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by inserting “, uti-
22 lize” after “reduce”; and

23 (B) in paragraph (2), by striking “.” and
24 inserting the following: “which may include—

1 “(A) a system of technologies that combine
2 existing technologies in an innovative manner;

3 “(B) projects containing elements of com-
4 mercial technologies in combination with new or
5 significantly improved technologies; or

6 “(C) projects that incorporate new and in-
7 novative platform technologies developed outside
8 the energy sector that enable modernization of
9 existing energy infrastructure and systems.”;

10 (2) in subsection (b)—

11 (A) in paragraph (5)—

12 (i) by adding “, utilization,” after
13 “capture”; and

14 (ii) by inserting “and technologies
15 that capture greenhouse gases already air-
16 borne” after “sequester carbon”; and

17 (B) by adding at the end the following:

18 “(11) Energy storage technologies for residen-
19 tial, industrial, and transportation applications.

20 “(12) Technologies and systems for reducing
21 high global warming potential pollutants, including
22 methane leakage from natural gas transmission and
23 distribution infrastructure.

24 “(13) Manufacturing and deployment of nuclear
25 supply components for advanced nuclear reactors.

1 “(14) System-level energy management solu-
2 tions.

3 “(15) Application of platform technologies, in-
4 cluding data analytics, artificial intelligence, and
5 other software to improve the energy efficiency and
6 effectiveness of energy infrastructure, including elec-
7 tric grid operations.

8 “(16) Energy-water use efficiency in water re-
9 sources infrastructure and water-using technologies.

10 “(17) Innovative technologies for improving the
11 resilience or reliability of existing energy infrastruc-
12 ture.”; and

13 (3) by adding at the end the following new sub-
14 sections:

15 “(f) QUALIFICATION OF PROJECTS UTILIZING MUL-
16 TIPLE TECHNOLOGIES.—A project utilizing multiple tech-
17 nologies for implementation that receives Federal financial
18 assistance for one technology shall not be disqualified from
19 receiving a guarantee under this title.

20 “(g) REGIONAL VARIATION.—The Secretary shall ac-
21 count for regional variation in commercial technology de-
22 ployment such that no project shall be ineligible for assist-
23 ance under this title because a similar project exists in
24 a different region than the proposed project.”.

25 (c) STATE LOAN ELIGIBILITY.—

1 (1) DEFINITIONS.—Section 1701 of the Energy
2 Policy Act of 2005 (42 U.S.C. 16511) is amended
3 by adding at the end the following:

4 “(6) STATE.—The term ‘State’ has the mean-
5 ing given the term in section 202 of the Energy
6 Conservation and Production Act (42 U.S.C. 6802).

7 “(7) STATE ENERGY FINANCING INSTITU-
8 TION.—

9 “(A) IN GENERAL.—The term ‘State en-
10 ergy financing institution’ means a quasi-inde-
11 pendent entity or an entity within a State agen-
12 cy or financing authority established by a
13 State—

14 “(i) to provide financing support or
15 credit enhancements, including loan guar-
16 antees and loan loss reserves, for eligible
17 projects; and

18 “(ii) to create liquid markets for eligi-
19 ble projects, including warehousing and
20 securitization, or take other steps to reduce
21 financial barriers to the deployment of ex-
22 isting and new eligible projects.

23 “(B) INCLUSION.—The term ‘State energy
24 financing institution’ includes an entity or orga-
25 nization established to achieve the purposes de-

1 scribed in clauses (i) and (ii) of subparagraph
2 (A) by an Indian tribal entity or an Alaska Na-
3 tive Corporation.”.

4 (2) ELIGIBILITY.—Section 1702 of the Energy
5 Policy Act of 2005 (42 U.S.C. 16512) is amended—

6 (A) in subsection (a), by inserting “, in-
7 cluding projects receiving financial support or
8 credit enhancements from a State energy fi-
9 nancing institution,” after “for projects”;

10 (B) in subsection (d)(1), by inserting “, in-
11 cluding a guarantee for a project receiving fi-
12 nancial support or credit enhancements from a
13 State energy financing institution,” after “No
14 guarantee”; and

15 (C) by adding at the end the following:

16 “(m) STATE ENERGY FINANCING INSTITUTIONS.—

17 “(1) ELIGIBILITY.—To be eligible for a guar-
18 antee under this title, a project receiving financial
19 support or credit enhancements from a State energy
20 financing institution—

21 “(A) shall meet the requirements of section
22 1703(a)(1); and

23 “(B) shall not be required to meet the re-
24 quirements of section 1703(a)(2).

1 “(2) PARTNERSHIPS AUTHORIZED.—In car-
2 rying out a project receiving a guarantee under this
3 title, State energy financing institutions may enter
4 into partnerships with private entities, Tribal enti-
5 ties, and Alaska Native corporations.”.

6 **Subtitle B—Energy Efficiency**

7 **CHAPTER 1—ENERGY EFFICIENCY**

8 **RETROFITS**

9 **Subchapter A—HOMES**

10 **SEC. 33201. DEFINITIONS.**

11 In this subchapter:

12 (1) ENERGY AUDIT.—The term “energy audit”
13 means an inspection, survey, and analysis of the en-
14 ergy use of a building, including the building enve-
15 lope and HVAC system.

16 (2) HOME.—The term “home” means a resi-
17 dential dwelling unit in a building with no more than
18 4 dwelling units that—

19 (A) is located in the United States;

20 (B) was constructed before the date of en-
21 actment of this Act; and

22 (C) is occupied at least six months out of
23 the year.

24 (3) HOME ENERGY SAVINGS RETROFIT REBATE
25 PROGRAM.—The term “Home Energy Savings Ret-

1 retrofit Rebate Program” means the Home Energy
2 Savings Retrofit Rebate Program established under
3 section 33202.

4 (4) HOMEOWNER.—The term “homeowner”
5 means the owner of an owner-occupied home or a
6 tenant-occupied home.

7 (5) HVAC SYSTEM.—The term “HVAC sys-
8 tem” means a system—

9 (A) consisting of a heating component, a
10 ventilation component, and an air-conditioning
11 component; and

12 (B) which components may include central
13 air conditioning, a heat pump, a furnace, a boil-
14 er, a rooftop unit, a window unit, and a chiller.

15 (6) MEASURED PERFORMANCE REBATE.—The
16 term “measured performance rebate” means a re-
17 bate provided in accordance with section 33204 and
18 described in subsection (e) of that section.

19 (7) MODELED PERFORMANCE REBATE.—The
20 term “modeled performance rebate” means a rebate
21 provided in accordance with section 33204 and de-
22 scribed in subsection (d) of that section.

23 (8) PARTIAL SYSTEM REBATE.—The term “par-
24 tial system rebate” means a rebate provided in ac-
25 cordance with section 33203.

1 (9) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

3 (10) STATE.—The term “State” includes—

4 (A) a State;

5 (B) the District of Columbia;

6 (C) the Commonwealth of Puerto Rico;

7 (D) Guam;

8 (E) American Samoa;

9 (F) the Commonwealth of the Northern
10 Mariana Islands;

11 (G) the United States Virgin Islands; and

12 (H) any other territory or possession of the
13 United States.

14 (11) STATE ENERGY OFFICE.—The term “State
15 energy office” means the office or agency of a State
16 responsible for developing the State energy conserva-
17 tion plan for the State under section 362 of the En-
18 ergy Policy and Conservation Act (42 U.S.C. 6322).

19 **SEC. 33202. ESTABLISHMENT OF HOME ENERGY SAVINGS**
20 **RETROFIT REBATE PROGRAM.**

21 The Secretary shall establish a program, to be known
22 as the Home Energy Savings Retrofit Rebate Program,
23 to—

24 (1) provide rebates in accordance with section
25 33203; and

1 (2) provide grants to States to carry out pro-
2 grams to provide rebates in accordance with section
3 33204.

4 **SEC. 33203. PARTIAL SYSTEM REBATES.**

5 (a) AMOUNT OF REBATE.—In carrying out the Home
6 Energy Savings Retrofit Rebate Program, and subject to
7 the availability of appropriations for such purpose, the
8 Secretary shall provide a homeowner a rebate, to be known
9 as a partial system rebate, of up to—

10 (1) \$800 for the installation of insulation and
11 air sealing within a home of the homeowner; or

12 (2) \$1,500 for the installation of insulation and
13 air sealing within a home of the homeowner and re-
14 placement of an HVAC system, the heating compo-
15 nent of an HVAC system, or the cooling component
16 of an HVAC system, of such home.

17 (b) SPECIFICATIONS.—

18 (1) COST.—The amount of a partial system re-
19 bate provided under this section shall not exceed 30
20 percent of cost of installation of insulation and air
21 sealing under subsection (a)(1), or installation of in-
22 sulation and air sealing and replacement of an
23 HVAC system, the heating component of an HVAC
24 system, or the cooling component of an HVAC sys-

1 tem, under subsection (a)(2). Labor may be included
2 in such cost but may not exceed—

3 (A) in the case of a rebate under sub-
4 section (a)(1), 50 percent of such cost; and

5 (B) in the case of a rebate under sub-
6 section (a)(2), 25 percent of such cost.

7 (2) AIR SEALING.—Not later than 60 days after
8 the date of enactment of this Act, the Secretary
9 shall issue specifications for air sealing to qualify for
10 a partial system rebate under this section. For any
11 area that has the exterior wall exposed and acces-
12 sible, and for which it is not required to remove
13 plaster or a basement wall board to access such wall,
14 such specifications for air sealing shall be consistent
15 with the Energy Star Home Sealing Specification.

16 (3) REPLACEMENT OF AN HVAC SYSTEM, THE
17 HEATING COMPONENT OF AN HVAC SYSTEM, OR THE
18 COOLING COMPONENT OF AN HVAC SYSTEM.—In
19 order to qualify for a partial system rebate described
20 in subsection (a)(2)—

21 (A) any HVAC system, heating component
22 of an HVAC system, or cooling component of
23 an HVAC system installed shall be Energy Star
24 Most Efficient certified;

1 (B) installation of such an HVAC system,
2 the heating component of an HVAC system, or
3 the cooling component of an HVAC system,
4 shall be completed in accordance with standards
5 specified by the Secretary that are at least as
6 stringent as the applicable guidelines of the Air
7 Conditioning Contractors of America that are in
8 effect on the date of enactment of this Act;

9 (C) if ducts are present, replacement of an
10 HVAC system, the heating component of an
11 HVAC system, or the cooling component of an
12 HVAC system shall include duct sealing; and

13 (D) the installation of insulation and air
14 sealing shall occur within 6 months of the re-
15 placement of the HVAC system, the heating
16 component of an HVAC system, or the cooling
17 component of an HVAC system.

18 (e) ADDITIONAL INCENTIVES FOR CONTRACTORS.—
19 In carrying out the Home Energy Savings Retrofit Rebate
20 Program, the Secretary may provide a \$250 payment to
21 a contractor per home for which—

22 (1) a partial system rebate is provided under
23 this section for the installation of insulation and air
24 sealing, or installation of insulation and air sealing
25 and replacement of an HVAC system, the heating

1 component of an HVAC system, or the cooling com-
2 ponent of an HVAC system, by the contractor;

3 (2) the applicable homeowner has signed and
4 submitted to the Secretary a release form made
5 available pursuant to section 33206(c) authorizing
6 the contractor access to information in the utility
7 bills of the homeowner; and

8 (3) the contractor inputs, into the Department
9 of Energy's Building Performance Database—

10 (A) the energy usage for the home for the
11 12 months preceding, and the 24 months fol-
12 lowing, the installation of insulation and air
13 sealing or installation of insulation and air seal-
14 ing and replacement of an HVAC system, the
15 heating component of an HVAC system, or the
16 cooling component of an HVAC system;

17 (B) a description of such installation or in-
18 stallation and replacement; and

19 (C) the total cost to the homeowner for
20 such installation or installation and replace-
21 ment.

22 (d) PROCESS.—

23 (1) FORMS; REBATE PROCESSING SYSTEM.—

24 Not later than 90 days after the date of enactment

1 of this Act, the Secretary, in consultation with the
2 Secretary of the Treasury, shall—

3 (A) develop and make available rebate
4 forms required to receive a partial system re-
5 bate under this section;

6 (B) establish a Federal rebate processing
7 system which shall serve as a database and in-
8 formation technology system that will allow
9 homeowners to submit required rebate forms;
10 and

11 (C) establish a website that provides infor-
12 mation on partial system rebates provided
13 under this section, including how to determine
14 whether particular measures qualify for a re-
15 bate under this section and how to receive such
16 a rebate.

17 (2) SUBMISSION OF FORMS.—In order to re-
18 ceive a partial system rebate under this section, a
19 homeowner shall submit the required rebate forms,
20 and any other information the Secretary determines
21 appropriate, to the Federal rebate processing system
22 established pursuant to paragraph (1).

23 (e) FUNDING.—

24 (1) LIMITATION.—For each fiscal year, to carry
25 out this section, the Secretary may not use more

1 than 50 percent of the amounts made available to
2 carry out this subchapter.

3 (2) ALLOCATION.—The Secretary shall allocate
4 amounts made available to carry out this section for
5 partial system rebates in States using the same for-
6 mula as is used to allocate funds for States under
7 part D of title III of the Energy Policy and Con-
8 servation Act (42 U.S.C. 6321 et seq.).

9 **SEC. 33204. STATE ADMINISTERED REBATES.**

10 (a) FUNDING.—In carrying out the Home Energy
11 Savings Retrofit Rebate Program, and subject to the
12 availability of appropriations for such purpose, the Sec-
13 retary shall provide grants to States to carry out programs
14 to provide rebates in accordance with this section.

15 (b) STATE PARTICIPATION.—

16 (1) PLAN.—In order to receive a grant under
17 this section a State shall submit to the Secretary an
18 application that includes a plan to implement a
19 State program that meets the minimum criteria
20 under subsection (c).

21 (2) APPROVAL.—Not later than 60 days after
22 receipt of a completed application for a grant under
23 this section, the Secretary shall either approve the
24 application or provide to the applicant an expla-
25 nation for denying the application.

1 (c) MINIMUM CRITERIA FOR STATE PROGRAMS.—

2 Not later than 6 months after the date of enactment of
3 this Act, the Secretary shall establish minimum criteria
4 for a State program to meet to qualify for funding under
5 this section, including—

6 (1) that the State program be carried out by
7 the applicable State energy office;

8 (2) that a rebate be provided under a State pro-
9 gram only for a home energy efficiency retrofit
10 that—

11 (A) is completed by a contractor who
12 meets minimum training requirements and cer-
13 tification requirements set forth by the Sec-
14 retary;

15 (B) includes installation of one or more
16 home energy efficiency retrofit measures for a
17 home that together are modeled to achieve, or
18 are shown to achieve, a reduction in home en-
19 ergy use of 20 percent or more from the base-
20 line energy use of the home;

21 (C) does not include installation of any
22 measure that the Secretary determines does not
23 improve the thermal energy usage of the home,
24 such as a pool pump, pool heater, spa, or EV
25 charger; and

1 (D) includes, after installation of the appli-
2 cable home energy efficiency retrofit measures,
3 a test-out procedure conducted in accordance
4 with guidelines issued by the Secretary of such
5 measures to ensure—

6 (i) the safe operation of all systems
7 post retrofit; and

8 (ii) that all improvements are included
9 in, and have been installed according to—

10 (I) manufacturers installation
11 specifications; and

12 (II) all applicable State and local
13 codes or equivalent standards ap-
14 proved by the Secretary;

15 (3) that the State program utilizes—

16 (A) for purposes of modeled performance
17 rebates, modeling software approved by the Sec-
18 retary for determining and documenting the
19 baseline energy use of a home and the reduc-
20 tions in home energy use resulting from the im-
21 plementation of a home energy efficiency ret-
22 rofit; and

23 (B) for purposes of measured performance
24 rebates, methods and procedures approved by
25 the Secretary for determining and documenting

1 the baseline energy use of a home and the re-
2 ductions in home energy use resulting from the
3 implementation of a home energy efficiency ret-
4 rofit, including methods and procedures for use
5 of advanced metering infrastructure, weather-
6 normalized data, and open source standards, to
7 measure such baseline energy use and such re-
8 ductions in home energy use;

9 (4) that the State program includes implemen-
10 tation of a quality assurance program—

11 (A) to ensure that home energy efficiency
12 retrofits are achieving the stated level of energy
13 savings, that efficiency measures were installed
14 correctly, and that work is performed in accord-
15 ance with procedures developed by the Sec-
16 retary, including through quality-control inspec-
17 tions for a portion of home energy efficiency
18 retrofits completed by each applicable con-
19 tractor; and

20 (B) under which a quality-control inspec-
21 tion of a home energy efficiency retrofit is per-
22 formed by a quality assurance provider who—

23 (i) is independent of the contractor
24 for such retrofit; and

1 (ii) will confirm that such contractor
2 is a contractor who meets minimum train-
3 ing requirements and certification require-
4 ments set forth by the Secretary;

5 (5) that the State program includes require-
6 ments for a homeowner, contractor, or rebate
7 aggregator to claim a rebate, including that the
8 homeowner, contractor, or rebate aggregator submit
9 any applicable forms approved by the Secretary to
10 the State, including a copy of the certificate pro-
11 vided by the applicable contractor certifying pro-
12 jected or measured reduction of home energy use;

13 (6) that the State program may include require-
14 ments for an entity to be eligible to serve as a rebate
15 aggregator to facilitate the delivery of rebates to
16 homeowners or contractors;

17 (7) that the State program includes procedures
18 for a homeowner to transfer the right to claim a re-
19 bate to the contractor performing the applicable
20 home energy efficiency retrofit or to a rebate
21 aggregator that works with the contractor; and

22 (8) that the State program provides that a
23 homeowner, contractor, or rebate aggregator may
24 claim more than one rebate under the State pro-
25 gram, and may claim a rebate under the State pro-

1 gram after receiving a partial system rebate under
2 section 33203, provided that no 2 rebates may be
3 provided with respect to a home using the same
4 baseline energy use of such home.

5 (d) MODELED PERFORMANCE REBATES.—

6 (1) IN GENERAL.—In carrying out a State pro-
7 gram under this section, a State may provide a
8 homeowner, contractor, or rebate aggregator a re-
9 bate, to be known as a modeled performance rebate,
10 for an energy audit of a home and a home energy
11 efficiency retrofit that is projected, using modeling
12 software approved by the Secretary, to reduce home
13 energy use by at least 20 percent.

14 (2) AMOUNT.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), the amount of a modeled perform-
17 ance rebate provided under a State program
18 shall be equal to 50 percent of the cost of the
19 applicable energy audit of a home and home en-
20 ergy efficiency retrofit, including the cost of di-
21 agnostic procedures, labor, reporting, and mod-
22 eling.

23 (B) LIMITATION.—With respect to an en-
24 ergy audit and home energy efficiency retrofit

1 that is projected to reduce home energy use
2 by—

3 (i) at least 20 percent, but less than
4 40 percent, the maximum amount of a
5 modeled performance rebate shall be
6 \$2,000; and

7 (ii) at least 40 percent, the maximum
8 amount of a modeled performance rebate
9 shall be \$4,000.

10 (e) MEASURED PERFORMANCE REBATES.—

11 (1) IN GENERAL.—In carrying out a State pro-
12 gram under this section, a State may provide a
13 homeowner, contractor, or rebate aggregator a re-
14 bate, to be known as a measured performance re-
15 bate, for a home energy efficiency retrofit that re-
16 duces home energy use by at least 20 percent as
17 measured using methods and procedures approved
18 by the Secretary.

19 (2) AMOUNT.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), the amount of a measured perform-
22 ance rebate provided under a State program
23 shall be equal to 50 percent of the cost, includ-
24 ing the cost of diagnostic procedures, labor, re-

1 porting, and energy measurement, of the appli-
2 cable home energy efficiency retrofit.

3 (B) LIMITATION.—With respect to a home
4 energy efficiency retrofit that is measured as
5 reducing home energy use by—

6 (i) at least 20 percent, but less than
7 40 percent, the maximum amount of a
8 measured performance rebate shall be
9 \$2,000; and

10 (ii) at least 40 percent, the maximum
11 amount of a measured performance rebate
12 shall be \$4,000.

13 (f) COORDINATION OF REBATE AND EXISTING
14 STATE-SPONSORED OR UTILITY-SPONSORED PRO-
15 GRAMS.—A State that receives a grant under this section
16 is encouraged to work with State agencies, utilities, State-
17 sponsored nonprofits, and other entities—

18 (1) to assist in marketing the availability of the
19 rebates under the applicable State program;

20 (2) to coordinate with utility or State managed
21 financing programs;

22 (3) to assist in implementation of the applicable
23 State program, including installation of home energy
24 efficiency retrofits; and

1 (4) to coordinate with existing quality assur-
2 ance programs.

3 (g) ADMINISTRATION AND OVERSIGHT.—

4 (1) REVIEW OF APPROVED MODELING SOFT-
5 WARE.—The Secretary shall, on an annual basis, list
6 and review all modeling software approved for use in
7 determining and documenting the reductions in
8 home energy use for purposes of modeled perform-
9 ance rebates under subsection (d). In approving such
10 modeling software each year, the Secretary shall en-
11 sure that modeling software approved for a year will
12 result in modeling of energy efficiency gains for any
13 type of home energy efficiency retrofit that is at
14 least as substantial as the modeling of energy effi-
15 ciency gains for such type of home energy efficiency
16 retrofit using the modeling software approved for
17 the previous year.

18 (2) OVERSIGHT.—If the Secretary determines
19 that a State is not implementing a State program
20 that was approved pursuant to subsection (b) and
21 that meets the minimum criteria under subsection
22 (c), the Secretary may, after providing the State a
23 period of at least 90 days to meet such criteria,
24 withhold grant funds under this section from the
25 State.

1 **SEC. 33205. EVALUATION REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 3 years after the
3 date of enactment of this Act and annually thereafter until
4 the termination of the Home Energy Savings Retrofit Re-
5 bate Program, the Secretary shall submit to Congress a
6 report on the use of funds made available to carry out
7 this subchapter.

8 (b) CONTENTS.—Each report submitted under sub-
9 section (a) shall include—

10 (1) how many home energy efficiency retrofits
11 have been completed during the previous year under
12 the Home Energy Savings Retrofit Rebate Program;

13 (2) an estimate of how many jobs have been
14 created through the Home Energy Savings Retrofit
15 Rebate Program, directly and indirectly;

16 (3) a description of what steps could be taken
17 to promote further deployment of energy efficiency
18 and renewable energy retrofits;

19 (4) a description of the quantity of verifiable
20 energy savings, homeowner energy bill savings, and
21 other benefits of the Home Energy Savings Retrofit
22 Rebate Program;

23 (5) a description of any waste, fraud, or abuse
24 with respect to funds made available to carry out
25 this subchapter; and

1 (6) any other information the Secretary con-
2 siders appropriate.

3 **SEC. 33206. ADMINISTRATION.**

4 (a) IN GENERAL.—The Secretary shall provide such
5 administrative and technical support to contractors, rebate
6 aggregators, States, and Indian Tribes as is necessary to
7 carry out this subchapter.

8 (b) APPOINTMENT OF PERSONNEL.—Notwith-
9 standing the provisions of title 5, United States Code, re-
10 garding appointments in the competitive service and Gen-
11 eral Schedule classifications and pay rates, the Secretary
12 may appoint such professional and administrative per-
13 sonnel as the Secretary considers necessary to carry out
14 this subchapter.

15 (c) INFORMATION COLLECTION.—The Secretary shall
16 establish, and make available to a homeowner, or the
17 homeowner's designated representative, seeking a rebate
18 under this subchapter, release forms authorizing access by
19 the Secretary, or a designated third-party representative
20 to information in the utility bills of the homeowner with
21 appropriate privacy protections in place.

22 **SEC. 33207. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated to the Secretary to carry out this subchapter

1 \$1,000,000,000 for each of fiscal years 2021 through
2 2025, to remain available until expended.

3 (b) MAINTENANCE OF FUNDING.—Each State receiv-
4 ing Federal funds pursuant to this subchapter shall pro-
5 vide reasonable assurances to the Secretary that it has es-
6 tablished policies and procedures designed to ensure that
7 Federal funds provided under this subchapter will be used
8 to supplement, and not to supplant, State and local funds.

9 (c) TRIBAL ALLOCATION.—Of the amounts made
10 available pursuant to subsection (a) for a fiscal year, the
11 Secretary shall work with Indian Tribes and use 2 percent
12 of such amounts to carry out a program or programs that
13 as close as possible reflect the goals, requirements, and
14 provisions of this subchapter, taking into account any fac-
15 tors that the Secretary determines to be appropriate.

16 **Subchapter B—Public Buildings**

17 **SEC. 33211. ENERGY EFFICIENT PUBLIC BUILDINGS.**

18 (a) GRANTS.—Section 125(a) of the Energy Policy
19 Act of 2005 (42 U.S.C. 15822(a)) is amended—

20 (1) in paragraph (1)—

21 (A) by inserting “Standard 90.1 of the
22 American Society of Heating, Refrigerating,
23 and Air-Conditioning Engineers,” after “the
24 International Energy Conservation Code,”; and

1 (B) by striking “; or” and inserting a
2 semicolon;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(3) through benchmarking programs to enable
7 use of building performance data to evaluate the
8 performance of energy efficiency investments over
9 time.”.

10 (b) ASSURANCE OF IMPROVEMENT.—Section 125 of
11 the Energy Policy Act of 2005 (42 U.S.C. 15822) is
12 amended by redesignating subsections (b) and (c) as sub-
13 sections (c) and (d), respectively, and inserting after sub-
14 section (a) the following:

15 “(b) ASSURANCE OF IMPROVEMENT.—

16 “(1) VERIFICATION.—A State agency receiving
17 a grant for activities described in paragraph (1) or
18 (2) of subsection (a) shall ensure, as a condition of
19 eligibility for assistance pursuant to such grant, that
20 a unit of local government receiving such assistance
21 obtain third-party verification of energy efficiency
22 improvements in each public building with respect to
23 which such assistance is used.

24 “(2) GUIDANCE.—The Secretary may provide
25 guidance to State agencies to comply with paragraph

1 (1). In developing such guidance, the Secretary shall
2 consider available third-party verification tools for
3 high-performing buildings and available third-party
4 verification tools for energy efficiency retrofits.”.

5 (c) ADMINISTRATION.—Section 125(c) of the Energy
6 Policy Act of 2005, as so redesignated, is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “State energy offices receiving grants” and
9 inserting “A State agency receiving a grant”;

10 (2) in paragraph (2), by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(3) ensure that all laborers and mechanics em-
14 ployed by contractors and subcontractors in the per-
15 formance of construction, alteration, or repair work
16 financed in whole or in part with assistance received
17 pursuant to this section shall be paid wages at rates
18 not less than those prevailing on projects of a simi-
19 lar character in the locality, as determined by the
20 Secretary of Labor in accordance with subchapter
21 IV of chapter 31 of title 40, United States Code
22 (and with respect to such labor standards, the Sec-
23 retary of Labor shall have the authority and func-
24 tions set forth in Reorganization Plan Numbered 14

1 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section
2 3145 of title 40, United States Code).”.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
4 125(d) of the Energy Policy Act of 2005, as so redesi-
5 gnated, is amended by striking “\$30,000,000 for each of
6 fiscal years 2006 through 2010” and inserting
7 “\$100,000,000 for each of fiscal years 2021 through
8 2025”.

9 **Subchapter C—Schools**

10 **SEC. 33221. ENERGY RETROFITTING ASSISTANCE FOR** 11 **SCHOOLS.**

12 Section 392 of the Energy Policy and Conservation
13 Act (42 U.S.C. 6371a) is amended by adding at the end
14 the following:

15 “(e) COORDINATION OF ENERGY RETROFITTING AS-
16 SISTANCE FOR SCHOOLS.—

17 “(1) DEFINITION OF SCHOOL.—Notwith-
18 standing section 391(6), for the purposes of this
19 subsection, the term ‘school’ means—

20 “(A) an elementary school or secondary
21 school (as defined in section 9101 of the Ele-
22 mentary and Secondary Education Act of 1965
23 (20 U.S.C. 7801));

1 “(B) an institution of higher education (as
2 defined in section 102(a) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1002(a)));

4 “(C) a school of the defense dependents’
5 education system under the Defense Depend-
6 ents’ Education Act of 1978 (20 U.S.C. 921 et
7 seq.) or established under section 2164 of title
8 10, United States Code;

9 “(D) a school operated by the Bureau of
10 Indian Affairs;

11 “(E) a tribally controlled school (as de-
12 fined in section 5212 of the Tribally Controlled
13 Schools Act of 1988 (25 U.S.C. 2511)); and

14 “(F) a Tribal College or University (as de-
15 fined in section 316(b) of the Higher Education
16 Act of 1965 (20 U.S.C. 1059c(b))).

17 “(2) ESTABLISHMENT OF CLEARINGHOUSE.—
18 The Secretary, acting through the Office of Energy
19 Efficiency and Renewable Energy, shall establish a
20 clearinghouse to disseminate information regarding
21 available Federal programs and financing mecha-
22 nisms that may be used to help initiate, develop, and
23 finance energy efficiency, distributed generation, and
24 energy retrofitting projects for schools.

1 “(3) REQUIREMENTS.—In carrying out para-
2 graph (2), the Secretary shall—

3 “(A) consult with appropriate Federal
4 agencies to develop a list of Federal programs
5 and financing mechanisms that are, or may be,
6 used for the purposes described in paragraph
7 (2); and

8 “(B) coordinate with appropriate Federal
9 agencies to develop a collaborative education
10 and outreach effort to streamline communica-
11 tions and promote available Federal programs
12 and financing mechanisms described in sub-
13 paragraph (A), which may include the develop-
14 ment and maintenance of a single online re-
15 source that includes contact information for rel-
16 evant technical assistance in the Office of En-
17 ergy Efficiency and Renewable Energy that
18 States, local education agencies, and schools
19 may use to effectively access and use such Fed-
20 eral programs and financing mechanisms.”.

21 **SEC. 33222. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**
22 **MENTS AND RENEWABLE ENERGY IMPROVE-**
23 **MENTS AT PUBLIC SCHOOL FACILITIES.**

24 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means a consortium of—

3 (A) one local educational agency; and

4 (B) one or more—

5 (i) schools;

6 (ii) nonprofit organizations;

7 (iii) for-profit organizations; or

8 (iv) community partners that have the
9 knowledge and capacity to partner and as-
10 sist with energy improvements.

11 (2) ENERGY IMPROVEMENTS.—The term “en-
12 ergy improvements” means—

13 (A) any improvement, repair, or renova-
14 tion, to a school that will result in a direct re-
15 duction in school energy costs including but not
16 limited to improvements to building envelope,
17 air conditioning, ventilation, heating system, do-
18 mestic hot water heating, compressed air sys-
19 tems, distribution systems, lighting, power sys-
20 tems and controls;

21 (B) any improvement, repair, renovation,
22 or installation that leads to an improvement in
23 teacher and student health including but not
24 limited to indoor air quality, daylighting, ven-
25 tilation, electrical lighting, and acoustics; and

1 (C) the installation of renewable energy
2 technologies (such as wind power, photovoltaics,
3 solar thermal systems, geothermal energy, hy-
4 drogen-fueled systems, biomass-based systems,
5 biofuels, anaerobic digesters, and hydropower)
6 involved in the improvement, repair, or renova-
7 tion to a school.

8 (b) AUTHORITY.—From amounts made available for
9 grants under this section, the Secretary of Energy shall
10 provide competitive grants to eligible entities to make en-
11 ergy improvements authorized by this section.

12 (c) PRIORITY.—In making grants under this sub-
13 section, the Secretary shall give priority to eligible entities
14 that have renovation, repair, and improvement funding
15 needs and are—

16 (1) a high-need local educational agency, as de-
17 fined in section 2102 of the Elementary and Sec-
18 ondary Education Act of 1965 (20 14 U.S.C. 6602);
19 or

20 (2) a local educational agency designated with
21 a metrocentric locale code of 41, 42, or 43 as deter-
22 mined by the National Center for Education Statis-
23 tics (NCES), in conjunction with the Bureau of the
24 Census, using the NCES system for classifying local
25 educational agencies.

1 (d) COMPETITIVE CRITERIA.—The competitive cri-
2 teria used by the Secretary shall include the following:

3 (1) The fiscal capacity of the eligible entity to
4 meet the needs for improvements of school facilities
5 without assistance under this section, including the
6 ability of the eligible entity to raise funds through
7 the use of local bonding capacity and otherwise.

8 (2) The likelihood that the local educational
9 agency or eligible entity will maintain, in good condi-
10 tion, any facility whose improvement is assisted.

11 (3) The potential energy efficiency and safety
12 benefits from the proposed energy improvements.

13 (e) APPLICATIONS.—To be eligible to receive a grant
14 under this section, an applicant must submit to the Sec-
15 retary an application that includes each of the following:

16 (1) A needs assessment of the current condition
17 of the school and facilities that are to receive the en-
18 ergy improvements.

19 (2) A draft work plan of what the applicant
20 hopes to achieve at the school and a description of
21 the energy improvements to be carried out.

22 (3) A description of the applicant's capacity to
23 provide services and comprehensive support to make
24 the energy improvements.

1 (4) An assessment of the applicant's expected
2 needs for operation and maintenance training funds,
3 and a plan for use of those funds, if any.

4 (5) An assessment of the expected energy effi-
5 ciency and safety benefits of the energy improve-
6 ments.

7 (6) A cost estimate of the proposed energy im-
8 provements.

9 (7) An identification of other resources that are
10 available to carry out the activities for which funds
11 are requested under this section, including the avail-
12 ability of utility programs and public benefit funds.

13 (f) USE OF GRANT AMOUNTS.—

14 (1) IN GENERAL.—The recipient of a grant
15 under this section shall use the grant amounts only
16 to make the energy improvements contemplated in
17 the application, subject to the other provisions of
18 this subsection.

19 (2) OPERATION AND MAINTENANCE TRAIN-
20 ING.—The recipient may use up to 5 percent for op-
21 eration and maintenance training for energy effi-
22 ciency and renewable energy improvements (such as
23 maintenance staff and teacher training, education,
24 and preventative maintenance training).

1 (3) AUDIT.—The recipient may use funds for a
2 third-party investigation and analysis for energy im-
3 provements (such as energy audits and existing
4 building commissioning).

5 (4) CONTINUING EDUCATION.—The recipient
6 may use up to 1 percent of the grant amounts to de-
7 velop a continuing education curriculum relating to
8 energy improvements.

9 (g) CONTRACTING REQUIREMENTS.—

10 (1) DAVIS-BACON.—Any laborer or mechanic
11 employed by any contractor or subcontractor in the
12 performance of work on any energy improvements
13 funded by a grant under this section shall be paid
14 wages at rates not less than those prevailing on
15 similar construction in the locality as determined by
16 the Secretary of Labor under subchapter IV of chap-
17 ter 31 of title 40, United States Code (commonly re-
18 ferred to as the Davis-Bacon Act).

19 (2) COMPETITION.—Each applicant that re-
20 ceives funds shall ensure that, if the applicant car-
21 ries out repair or renovation through a contract, any
22 such contract process—

23 (A) ensures the maximum number of quali-
24 fied bidders, including small, minority, and

1 women-owned businesses, through full and open
2 competition; and

3 (B) gives priority to businesses located in,
4 or resources common to, the State or the geo-
5 graphical area in which the project is carried
6 out.

7 (h) REPORTING.—Each recipient of a grant under
8 this section shall submit to the Secretary, at such time
9 as the Secretary may require, a report describing the use
10 of such funds for energy improvements, the estimated cost
11 savings realized by those energy improvements, the results
12 of any audit, the use of any utility programs and public
13 benefit funds and the use of performance tracking for en-
14 ergy improvements (such as the Department of Energy:
15 Energy Star program or LEED for Existing Buildings).

16 (i) BEST PRACTICES.—The Secretary shall develop
17 and publish guidelines and best practices for activities car-
18 ried out under this section.

19 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$100,000,000 for each of fiscal years 2021 through 2025.

22 **CHAPTER 2—WEATHERIZATION**

23 **SEC. 33231. WEATHERIZATION ASSISTANCE PROGRAM.**

24 (a) REAUTHORIZATION OF WEATHERIZATION AS-
25 SISTANCE PROGRAM.—Section 422 of the Energy Con-

1 servation and Production Act (42 U.S.C. 6872) is amend-
2 ed by striking paragraphs (1) through (5) and inserting
3 the following:

4 “(1) \$350,000,000 for fiscal year 2021;

5 “(2) \$500,000,000 for fiscal year 2022;

6 “(3) \$650,000,000 for fiscal year 2023;

7 “(4) \$800,000,000 for fiscal year 2024; and

8 “(5) \$1,000,000,000 for fiscal year 2025.”.

9 (b) MODERNIZING THE DEFINITION OF WEATHER-
10 IZATION MATERIALS.—Section 412(9)(J) of the Energy
11 Conservation and Production Act (42 U.S.C. 6862(9)(J))
12 is amended—

13 (1) by inserting “, including renewable energy
14 technologies and other advanced technologies,” after
15 “devices or technologies”; and

16 (2) by striking “, after consulting with the Sec-
17 retary of Housing and Urban Development, the Sec-
18 retary of Agriculture, and the Director of the Com-
19 munity Services Administration”.

20 (c) CONSIDERATION OF HEALTH BENEFITS.—Sec-
21 tion 413(b) of the Energy Conservation and Production
22 Act (42 U.S.C. 6863(b)) is amended—

23 (1) in paragraph (1), by striking “Health, Edu-
24 cation, and Welfare” and inserting “Health and
25 Human Services”;

1 (2) in paragraph (2)(A), by striking “Health,
2 Education, and Welfare” and inserting “Health and
3 Human Services”;

4 (3) in paragraph (3)—

5 (A) by striking “and with the Director of
6 the Community Services Administration”;

7 (B) by inserting “and by” after “in car-
8 rying out this part,”; and

9 (C) by striking “, and the Director of the
10 Community Services Administration in carrying
11 out weatherization programs under section
12 222(a)(12) of the Economic Opportunity Act of
13 1964”;

14 (4) by redesignating paragraphs (4) through
15 (6) as paragraphs (5) through (7), respectively; and

16 (5) by inserting after paragraph (3), the fol-
17 lowing:

18 “(4) The Secretary may amend the regulations pre-
19 scribed under paragraph (1) to provide that the standards
20 described in paragraph (2)(A) take into consideration im-
21 provements in the health and safety of occupants of dwell-
22 ing units, and other non-energy benefits, from weatheriza-
23 tion.”.

24 (d) CONTRACTOR OPTIMIZATION.—

1 (1) IN GENERAL.—The Energy Conservation
2 and Production Act is amended by inserting after
3 section 414B (42 U.S.C. 6864b) the following:

4 **“SEC. 414C. CONTRACTOR OPTIMIZATION.**

5 “(a) IN GENERAL.—The Secretary may request that
6 entities receiving funding from the Federal Government
7 or from a State through a weatherization assistance pro-
8 gram under section 413 or section 414 perform periodic
9 reviews of the use of private contractors in the provision
10 of weatherization assistance, and encourage expanded use
11 of contractors as appropriate.

12 “(b) USE OF TRAINING FUNDS.—Entities described
13 in subsection (a) may use funding described in such sub-
14 section to train private, non-Federal entities that are con-
15 tracted to provide weatherization assistance under a
16 weatherization program, in accordance with rules deter-
17 mined by the Secretary.”.

18 (2) TABLE OF CONTENTS AMENDMENT.—The
19 table of contents for the Energy Conservation and
20 Production Act is amended by inserting after the
21 item relating to section 414B the following:

 “Sec. 414C. Contractor optimization.”.

22 (e) FINANCIAL ASSISTANCE FOR WAP ENHANCE-
23 MENT AND INNOVATION.—

24 (1) IN GENERAL.—The Energy Conservation
25 and Production Act is amended by inserting after

1 section 414C (as added by subsection (d) of this sec-
2 tion) the following:

3 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-**
4 **MENT AND INNOVATION.**

5 “(a) PURPOSES.—The purposes of this section are—

6 “(1) to expand the number of dwelling units
7 that are occupied by low-income persons that receive
8 weatherization assistance by making such dwelling
9 units weatherization-ready;

10 “(2) to promote the deployment of renewable
11 energy in dwelling units that are occupied by low-in-
12 come persons;

13 “(3) to ensure healthy indoor environments by
14 enhancing or expanding health and safety measures
15 and resources available to dwellings that are occu-
16 pied by low-income persons;

17 “(4) to disseminate new methods and best prac-
18 tices among entities providing weatherization assist-
19 ance; and

20 “(5) to encourage entities providing weatheriza-
21 tion assistance to hire and retain employees who are
22 individuals—

23 “(A) from the community in which the as-
24 sistance is provided; and

1 “(B) from communities or groups that are
2 underrepresented in the home energy perform-
3 ance workforce, including religious and ethnic
4 minorities, women, veterans, individuals with
5 disabilities, and individuals who are
6 socioeconomically disadvantaged.

7 “(b) FINANCIAL ASSISTANCE.—The Secretary shall,
8 to the extent funds are made available, award financial
9 assistance, on an annual basis, through a competitive
10 process to entities receiving funding from the Federal Gov-
11 ernment or from a State, tribal organization, or unit of
12 general purpose local government through a weatheriza-
13 tion program under section 413 or section 414, or to non-
14 profit entities, to be used by such an entity—

15 “(1) with respect to dwelling units that are oc-
16 cupied by low-income persons, to—

17 “(A) implement measures to make such
18 dwelling units weatherization-ready by address-
19 ing structural, plumbing, roofing, and electrical
20 issues, environmental hazards, or other meas-
21 ures that the Secretary determines to be appro-
22 priate;

23 “(B) install energy efficiency technologies,
24 including home energy management systems,

1 smart devices, and other technologies the Sec-
2 retary determines to be appropriate;

3 “(C) install renewable energy systems (as
4 defined in section 415(c)(6)(A)); and

5 “(D) implement measures to ensure
6 healthy indoor environments by improving in-
7 door air quality, accessibility, and other healthy
8 homes measures as determined by the Sec-
9 retary;

10 “(2) to improve the capability of the entity—

11 “(A) to significantly increase the number
12 of energy retrofits performed by such entity;

13 “(B) to replicate best practices for work
14 performed pursuant to this section on a larger
15 scale;

16 “(C) to leverage additional funds to sus-
17 tain the provision of weatherization assistance
18 and other work performed pursuant to this sec-
19 tion after financial assistance awarded under
20 this section is expended; and

21 “(D) to hire and retain employees who are
22 individuals described subsection (a)(5);

23 “(3) for innovative outreach and education re-
24 garding the benefits and availability of weatheriza-

1 tion assistance and other assistance available pursu-
2 ant to this section;

3 “(4) for quality control of work performed pur-
4 suant to this section;

5 “(5) for data collection, measurement, and
6 verification with respect to such work;

7 “(6) for program monitoring, oversight, evalua-
8 tion, and reporting regarding such work;

9 “(7) for labor, training, and technical assist-
10 ance relating to such work;

11 “(8) for planning, management, and adminis-
12 tration (up to a maximum of 15 percent of the as-
13 sistance provided); and

14 “(9) for such other activities as the Secretary
15 determines to be appropriate.

16 “(c) AWARD FACTORS.—In awarding financial assist-
17 ance under this section, the Secretary shall consider—

18 “(1) the applicant’s record of constructing, ren-
19 ovating, repairing, or making energy efficient single-
20 family, multifamily, or manufactured homes that are
21 occupied by low-income persons, either directly or
22 through affiliates, chapters, or other partners (using
23 the most recent year for which data are available);

24 “(2) the number of dwelling units occupied by
25 low-income persons that the applicant has built, ren-

1 ovated, repaired, weatherized, or made more energy
2 efficient in the 5 years preceding the date of the ap-
3 plication;

4 “(3) the qualifications, experience, and past
5 performance of the applicant, including experience
6 successfully managing and administering Federal
7 funds;

8 “(4) the strength of an applicant’s proposal to
9 achieve one or more of the purposes under sub-
10 section (a);

11 “(5) the extent to which such applicant will uti-
12 lize partnerships and regional coordination to
13 achieve one or more of the purposes under sub-
14 section (a);

15 “(6) regional and climate zone diversity;

16 “(7) urban, suburban, and rural localities; and

17 “(8) such other factors as the Secretary deter-
18 mines to be appropriate.

19 “(d) APPLICATIONS.—

20 “(1) ADMINISTRATION.—To be eligible for an
21 award of financial assistance under this section, an
22 applicant shall submit to the Secretary an applica-
23 tion in such manner and containing such informa-
24 tion as the Secretary may require.

1 “(2) AWARDS.—Subject to the availability of
2 appropriations, not later than 270 days after the
3 date of enactment of this section, the Secretary shall
4 make a first award of financial assistance under this
5 section.

6 “(e) MAXIMUM AMOUNT AND TERM.—

7 “(1) IN GENERAL.—The total amount of finan-
8 cial assistance awarded to an entity under this sec-
9 tion shall not exceed \$2,000,000.

10 “(2) TECHNICAL AND TRAINING ASSISTANCE.—

11 The total amount of financial assistance awarded to
12 an entity under this section shall be reduced by the
13 cost of any technical and training assistance pro-
14 vided by the Secretary that relates to such financial
15 assistance.

16 “(3) TERM.—The term of an award of financial
17 assistance under this section shall not exceed 3
18 years.

19 “(4) RELATIONSHIP TO FORMULA GRANTS.—An
20 entity may use financial assistance awarded to such
21 entity under this section in conjunction with other
22 financial assistance provided to such entity under
23 this part.

24 “(f) REQUIREMENTS.—Not later than 90 days after
25 the date of enactment of this section, the Secretary shall

1 issue requirements to implement this section, including,
2 for entities receiving financial assistance under this sec-
3 tion—

4 “(1) standards for allowable expenditures;

5 “(2) a minimum saving-to-investment ratio; and

6 “(3) standards for—

7 “(A) training programs;

8 “(B) energy audits;

9 “(C) the provision of technical assistance;

10 “(D) monitoring activities carried out
11 using such financial assistance;

12 “(E) verification of energy and cost sav-
13 ings;

14 “(F) liability insurance requirements; and

15 “(G) recordkeeping and reporting require-
16 ments, which shall include reporting to the Of-
17 fice of Weatherization and Intergovernmental
18 Programs of the Department of Energy applica-
19 ble data on each dwelling unit retrofitted or
20 otherwise assisted pursuant to this section.

21 “(g) COMPLIANCE WITH STATE AND LOCAL LAW.—

22 Nothing in this section supersedes or otherwise affects any
23 State or local law, to the extent that the State or local
24 law contains a requirement that is more stringent than
25 the applicable requirement of this section.

1 “(h) REVIEW AND EVALUATION.—The Secretary
2 shall review and evaluate the performance of each entity
3 that receives an award of financial assistance under this
4 section (which may include an audit).

5 “(i) ANNUAL REPORT.—The Secretary shall submit
6 to Congress an annual report that provides a description
7 of—

8 “(1) actions taken under this section to achieve
9 the purposes of this section; and

10 “(2) accomplishments as a result of such ac-
11 tions, including energy and cost savings achieved.

12 “(j) FUNDING.—

13 “(1) AMOUNTS.—

14 “(A) IN GENERAL.—For each of fiscal
15 years 2021 through 2025, of the amount made
16 available under section 422 for such fiscal year
17 to carry out the weatherization program under
18 this part (not including any of such amount
19 made available for Department of Energy head-
20 quarters training or technical assistance), not
21 more than—

22 “(i) 2 percent of such amount (if such
23 amount is \$225,000,000 or more but less
24 than \$260,000,000) may be used to carry
25 out this section;

1 “(ii) 4 percent of such amount (if
2 such amount is \$260,000,000 or more but
3 less than \$300,000,000) may be used to
4 carry out this section; and

5 “(iii) 6 percent of such amount (if
6 such amount is \$300,000,000 or more)
7 may be used to carry out this section.

8 “(B) MINIMUM.—For each of fiscal years
9 2021 through 2025, if the amount made avail-
10 able under section 422 (not including any of
11 such amount made available for Department of
12 Energy headquarters training or technical as-
13 sistance) for such fiscal year is less than
14 \$225,000,000, no funds shall be made available
15 to carry out this section.

16 “(2) LIMITATION.—For any fiscal year, the
17 Secretary may not use more than \$25,000,000 of
18 the amount made available under section 422 to
19 carry out this section.

20 “(k) TERMINATION.—The Secretary may not award
21 financial assistance under this section after September 30,
22 2024.”.

23 (2) TABLE OF CONTENTS.—The table of con-
24 tents for the Energy Conservation and Production

1 Act is amended by inserting after the item relating
2 to section 414C the following:

“Sec. 414D. Financial assistance for WAP enhancement and innovation.”.

3 (f) **HIRING.**—

4 (1) **IN GENERAL.**—The Energy Conservation
5 and Production Act is amended by inserting after
6 section 414D (as added by subsection (e) of this sec-
7 tion) the following:

8 **“SEC. 414E. HIRING.**

9 “The Secretary may, as the Secretary determines ap-
10 propriate, encourage entities receiving funding from the
11 Federal Government or from a State through a weather-
12 ization program under section 413 or section 414, to
13 prioritize the hiring and retention of employees who are
14 individuals described in section 414D(a)(5).”.

15 (2) **TABLE OF CONTENTS.**—The table of con-
16 tents for the Energy Conservation and Production
17 Act is amended by inserting after the item relating
18 to section 414D the following:

“Sec. 414E. Hiring.”.

19 (g) **INCREASE IN ADMINISTRATIVE FUNDS.**—Section
20 415(a)(1) of the Energy Conservation and Production Act
21 (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-
22 cent” and inserting “15 percent”.

23 (h) **AMENDING RE-WEATHERIZATION DATE.**—Para-
24 graph (2) of section 415(c) of the Energy Conservation

1 and Production Act (42 U.S.C. 6865(c)) is amended to
2 read as follows:

3 “(2) Dwelling units weatherized (including dwelling
4 units partially weatherized) under this part, or under
5 other Federal programs (in this paragraph referred to as
6 ‘previous weatherization’), may not receive further finan-
7 cial assistance for weatherization under this part until the
8 date that is 15 years after the date such previous weather-
9 ization was completed. This paragraph does not preclude
10 dwelling units that have received previous weatherization
11 from receiving assistance and services (including the provi-
12 sion of information and education to assist with energy
13 management and evaluation of the effectiveness of in-
14 stalled weatherization materials) other than weatheriza-
15 tion under this part or under other Federal programs, or
16 from receiving non-Federal assistance for weatheriza-
17 tion.”.

18 (i) ANNUAL REPORT.—Section 421 of the Energy
19 Conservation and Production Act (42 U.S.C. 6871) is
20 amended by inserting “the number of multifamily build-
21 ings in which individual dwelling units were weatherized
22 during the previous year, the number of individual dwell-
23 ing units in multifamily buildings weatherized during the
24 previous year,” after “the average size of the dwellings
25 being weatherized,”.

1 **SEC. 33232. REPORT ON WAIVERS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary of Energy shall submit to Con-
4 gress a report on the status of any request made after
5 September 30, 2010, for a waiver of any requirement
6 under section 200.313 of title 2, Code of Federal Regula-
7 tions, as such requirement applies with respect to the
8 weatherization assistance program under part A of title
9 IV of the Energy Conservation and Production Act (42
10 U.S.C. 6861 et seq.), including a description of any such
11 waiver that has been granted and any such request for
12 a waiver that has been considered but not granted.

13 **CHAPTER 3—ENERGY EFFICIENT**
14 **CONSERVATION BLOCK GRANTS**

15 **SEC. 33241. ENERGY EFFICIENCY AND CONSERVATION**
16 **BLOCK GRANT PROGRAM.**

17 (a) **PURPOSE.**—Section 542(b)(1) of the Energy
18 Independence and Security Act of 2007 (42 U.S.C.
19 17152(b)(1)) is amended—

20 (1) in subparagraph (A), by striking “; and”
21 and inserting a semicolon;

22 (2) in subparagraph (B), by striking the semi-
23 colon and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(C) diversifies energy supplies, including
2 by facilitating and promoting the use of alter-
3 native fuels;”.

4 (b) USE OF FUNDS.—Section 544(9) of the Energy
5 Independence and Security Act of 2007 (42 U.S.C.
6 17154(9)) is amended to read as follows:

7 “(9) deployment of energy distribution tech-
8 nologies that significantly increase energy efficiency
9 or expand access to alternative fuels, including—

10 “(A) distributed resources;

11 “(B) district heating and cooling systems;

12 and

13 “(C) infrastructure for delivering alter-
14 native fuels;”.

15 (c) COMPETITIVE GRANTS.—Section 546(c)(2) of the
16 Energy Independence and Security Act of 2007 (42
17 U.S.C. 17156(c)(2)) is amended by inserting “, including
18 projects to expand the use of alternative fuels” before the
19 period at the end.

20 (d) FUNDING.—Section 548(a) of the Energy Inde-
21 pendence and Security Act of 2007 (42 U.S.C. 17158(a))
22 is amended to read as follows:

23 “(a) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) GRANTS.—There is authorized to be ap-
25 propriated to the Secretary to carry out the program

1 \$3,500,000,000 for each of fiscal years 2021
2 through 2025.

3 “(2) ADMINISTRATIVE COSTS.—The Secretary
4 may use for administrative expenses of the program
5 not more than 1 percent of the amounts made avail-
6 able under paragraph (1) in each of fiscal years
7 2021 through 2025.”.

8 (e) TECHNICAL AMENDMENTS.—Section 543 of the
9 Energy Independence and Security Act of 2007 (42
10 U.S.C. 17153) is amended—

11 (1) in subsection (c), by striking “subsection
12 (a)(2)” and inserting “subsection (a)(3)”; and

13 (2) in subsection (d), by striking “subsection
14 (a)(3)” and inserting “subsection (a)(4)”.

15 **CHAPTER 4—FEDERAL ENERGY AND**

16 **WATER MANAGEMENT PERFORMANCE**

17 **SEC. 33251. ENERGY AND WATER PERFORMANCE REQUIRE-** 18 **MENT FOR FEDERAL FACILITIES.**

19 (a) IN GENERAL.—Section 543 of the National En-
20 ergy Conservation Policy Act (42 U.S.C. 8253) is amend-
21 ed—

22 (1) in the section heading, by inserting “AND
23 WATER” after “ENERGY”;

24 (2) in subsection (a)—

1 (A) in the subsection heading, by striking
2 “ENERGY PERFORMANCE REQUIREMENT FOR
3 FEDERAL BUILDINGS” and inserting “ENERGY
4 AND WATER PERFORMANCE REQUIREMENT
5 FOR FEDERAL FACILITIES”;

6 (B) by striking paragraph (1) and insert-
7 ing the following:

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 the head of each agency shall—

10 “(A) for each of fiscal years 2020 through
11 2030, reduce average facility energy intensity
12 (as measured in British thermal units per gross
13 square foot) at facilities of the agency by 2.5
14 percent each fiscal year relative to the average
15 facility energy intensity of the facilities of the
16 agency in fiscal year 2018;

17 “(B) for each of fiscal years 2020 through
18 2030, improve water use efficiency and manage-
19 ment, including stormwater management, at fa-
20 cilities of the agency by reducing agency water
21 consumption intensity—

22 “(i) by reducing the potable water
23 consumption by 54 percent by fiscal year
24 2030, relative to the potable water con-
25 sumption at facilities of the agency in fis-

1 cal year 2007, through reductions of 2 per-
2 cent each fiscal year (as measured in gal-
3 lons per gross square foot);

4 “(ii) by reducing the industrial, land-
5 scaping, and agricultural water consump-
6 tion of the agency, as compared to a base-
7 line of that consumption at facilities of the
8 agency in fiscal year 2010, through reduc-
9 tions of 2 percent each fiscal year (as
10 measured in gallons); and

11 “(iii) by installing appropriate infra-
12 structure features at facilities of the agen-
13 cy to improve stormwater and wastewater
14 management; and

15 “(C) to the maximum extent practicable, in
16 carrying out subparagraphs (A) and (B), take
17 measures that are life cycle cost-effective.”;

18 (C) in paragraph (2)—

19 (i) by striking “(2) An agency” and
20 inserting the following:

21 “(2) ENERGY AND WATER INTENSIVE FACILITY
22 EXCLUSION.—An agency”; and

23 (ii) by striking “building” and insert-
24 ing “facility”;

1 (iii) by inserting “and water” after
2 “energy” each place it appears; and

3 (iv) by striking “buildings” and in-
4 sserting “facilities”; and

5 (D) by striking paragraph (3) and insert-
6 ing the following:

7 “(3) RECOMMENDATIONS.—Not later than De-
8 cember 31, 2029, the Secretary shall—

9 “(A) review the results of the implementa-
10 tion of the energy and water performance re-
11 quirements established under paragraph (1);
12 and

13 “(B) submit to Congress recommendations
14 concerning energy and water performance re-
15 quirements for fiscal years 2031 through
16 2040.”;

17 (3) in subsection (b)—

18 (A) in the subsection heading, by inserting
19 “AND WATER” after “ENERGY”; and

20 (B) by striking paragraph (1) and insert-
21 ing the following:

22 “(1) IN GENERAL.—Each agency shall—

23 “(A) not later than October 1, 2020, to
24 the maximum extent practicable, begin install-
25 ing in facilities owned by the United States all

1 energy and water conservation measures deter-
2 mined by the Secretary to be life cycle cost-ef-
3 fective; and

4 “(B) complete the installation described in
5 subparagraph (A) as soon as practicable after
6 the date referred to in that subparagraph.”;

7 (4) in subsection (c)—

8 (A) in paragraph (1)—

9 (i) by striking “Federal building or
10 collection of Federal buildings” each place
11 it appears and inserting “Federal facility”;

12 (ii) in subparagraph (A)—

13 (I) in the matter preceding clause

14 (i), by striking “An agency” and in-
15 serting “The head of each agency”;

16 and

17 (II) by inserting “or water” after
18 “energy” each place it appears; and

19 (iii) in subparagraph (B)(i), by insert-
20 ing “or water” after “energy”;

21 (B) in paragraph (2)—

22 (i) by striking “buildings” and insert-
23 ing “facilities”; and

24 (ii) by striking “building” and insert-
25 ing “facility”; and

1 (C) in paragraph (3), by adding at the end
2 the following: “Not later than one year after
3 the date of enactment of the Moving Forward
4 Act, the Secretary shall issue guidelines to es-
5 tablish criteria for exclusions to water perform-
6 ance requirements under paragraph (1). The
7 Secretary shall update the criteria for exclu-
8 sions under this subsection as appropriate to
9 reflect changing technology and other condi-
10 tions.”;

11 (5) in subsection (d)(2)—

12 (A) by inserting “and water” after “en-
13 ergy”; and

14 (B) by striking “buildings” and inserting
15 “facilities”;

16 (6) in subsection (e)—

17 (A) in the subsection heading, by inserting
18 “AND WATER” after “ENERGY”;

19 (B) in paragraph (1)—

20 (i) by striking “By October 1” and in-
21 serting the following:

22 “(A) ENERGY.—By October 1”;

23 (ii) by striking “buildings” each place
24 it appears and inserting “facilities”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) WATER.—By February 1, 2025, in
4 accordance with guidelines established by the
5 Secretary under paragraph (2), each agency
6 shall use water meters at facilities of the agency
7 where doing so will assist in reducing the cost
8 of water used at such facilities.”;

9 (C) in paragraph (2)—

10 (i) in subparagraph (A)—

11 (I) by striking “and” before
12 “Federal”;

13 (II) by inserting “and any other
14 person the Secretary deems nec-
15 essary,” before “shall”; and

16 (III) by striking “paragraph
17 (1).” and inserting “paragraph
18 (1)(A). Not later than 180 days after
19 the date of enactment of the Moving
20 Forward Act, the Secretary, in con-
21 sultation with such departments and
22 entities, shall establish guidelines for
23 agencies to carry out paragraph
24 (1)(B).”;

25 (ii) in subparagraph (B)—

1 (I) by amending clause (i)(II) to
2 read as follows:

3 “(II) the extent to which meter-
4 ing is expected to result in increased
5 potential for energy and water man-
6 agement, increased potential for en-
7 ergy and water savings, energy and
8 water efficiency improvements, and
9 cost savings due to utility contract ag-
10 gregation; and”;

11 (II) in clause (ii), by inserting
12 “and water” after “energy”;

13 (III) in clause (iii), by striking
14 “buildings” and inserting “facilities”;
15 and

16 (IV) in clause (iv), by striking
17 “energy use of a Federal building”
18 and inserting “energy and water use
19 of a Federal facility”; and

20 (D) in paragraph (4)—

21 (i) in subparagraph (A)—

22 (I) by striking “this paragraph”
23 and inserting “the Moving Forward
24 Act”; and

1 (II) by inserting “and water” be-
2 fore “use in”; and

3 (ii) in subparagraph (B)—

4 (I) by striking “buildings” each
5 place it appears and inserting “facili-
6 ties”; and

7 (II) in clause (ii), in the matter
8 preceding subclause (I), by inserting
9 “and water” after “energy”;

10 (7) in subsection (f)—

11 (A) in the subsection heading, by striking
12 “BUILDINGS” and inserting “FACILITIES”;

13 (B) in paragraph (1)—

14 (i) in the matter preceding subpara-
15 graph (A), by striking “In this subsection”
16 and inserting “In this section”;

17 (ii) in subparagraph (B)(i)(II), by in-
18 serting “and water” after “energy”; and

19 (iii) in subparagraph (C)(i), by insert-
20 ing “that consumes energy or water and
21 is” before “owned or operated”;

22 (C) in paragraph (2)—

23 (i) in subparagraph (A), by inserting
24 “and water” before “use”; and

25 (ii) in subparagraph (B)—

1 (I) by striking “energy” before
2 “efficiency”; and

3 (II) by inserting “or water” be-
4 fore “use”;

5 (D) in paragraph (7)(B)(ii)(II), by insert-
6 ing “and water” after “energy”;

7 (E) in paragraph (8)—

8 (i) by striking “building” each place it
9 appears and inserting “facility”;

10 (ii) in subparagraph (A), by adding at
11 the end the following: “The energy man-
12 ager shall enter water use data for each
13 metered facility that is (or is a part of) a
14 facility that meets the criteria established
15 by the Secretary under paragraph (2)(B)
16 into a facility water use benchmarking sys-
17 tem.”; and

18 (iii) in subparagraph (B), by striking
19 “this subsection” and inserting “the date
20 of enactment of the Moving Forward Act”;
21 and

22 (F) in paragraph (9)(A), in the matter
23 preceding clause (i), by inserting “and water”
24 after “energy”; and

25 (8) in subsection (g)(1)—

1 (A) by striking “building” and inserting
2 “facility”; and

3 (B) by striking “energy efficient” and in-
4 serting “energy and water efficient”.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the National Energy Conservation Policy Act
7 (Public Law 95–619; 92 Stat. 3206) is amended by strik-
8 ing the item relating to section 543 and inserting the fol-
9 lowing:

“Sec. 543. Energy and water management requirements.”.

10 **SEC. 33252. FEDERAL ENERGY MANAGEMENT PROGRAM.**

11 Section 543 of the National Energy Conservation
12 Policy Act (42 U.S.C. 8253) is amended by adding at the
13 end the following:

14 “(h) FEDERAL ENERGY MANAGEMENT PROGRAM.—

15 “(1) IN GENERAL.—The Secretary shall carry
16 out a program, to be known as the ‘Federal Energy
17 Management Program’ (referred to in this sub-
18 section as the ‘Program’), to facilitate the implemen-
19 tation by the Federal Government of cost-effective
20 energy and water management and energy-related
21 investment practices—

22 “(A) to coordinate and strengthen Federal
23 energy and water resilience; and

24 “(B) to promote environmental steward-
25 ship.

1 “(2) FEDERAL DIRECTOR.—The Secretary shall
2 appoint an individual to serve as the director of the
3 Program (referred to in this subsection as the ‘Fed-
4 eral Director’), which shall be a career position in
5 the Senior Executive service, to administer the Pro-
6 gram.

7 “(3) PROGRAM ACTIVITIES.—

8 “(A) STRATEGIC PLANNING AND TECH-
9 NICAL ASSISTANCE.—In administering the Pro-
10 gram, the Federal Director shall—

11 “(i) provide technical assistance and
12 project implementation support and guid-
13 ance to agencies to identify, implement,
14 procure, and track energy and water con-
15 servation measures required under this Act
16 and under other provisions of law;

17 “(ii) in coordination with the Admin-
18 istrator of the General Services Adminis-
19 tration, establish appropriate procedures,
20 methods, and best practices for use by
21 agencies to select, monitor, and terminate
22 contracts entered into pursuant to a utility
23 incentive program under section 546(c)
24 with utilities;

1 “(iii) carry out the responsibilities of
2 the Secretary under section 801, as deter-
3 mined appropriate by the Secretary;

4 “(iv) establish and maintain internet-
5 based information resources and project
6 tracking systems and tools for energy and
7 water management;

8 “(v) coordinate comprehensive and
9 strategic approaches to energy and water
10 resilience planning for agencies; and

11 “(vi) establish a recognition program
12 for Federal achievement in energy and
13 water management, energy-related invest-
14 ment practices, environmental stewardship,
15 and other relevant areas, through events
16 such as individual recognition award cere-
17 monies and public announcements.

18 “(B) ENERGY AND WATER MANAGEMENT
19 AND REPORTING.—In administering the Pro-
20 gram, the Federal Director shall—

21 “(i) track and report on the progress
22 of agencies in meeting the requirements of
23 the agency under this section;

24 “(ii) make publicly available agency
25 performance data required under—

1 “(I) this section and sections
2 544, 546, 547, and 548; and

3 “(II) section 203 of the Energy
4 Policy Act of 2005 (42 U.S.C.
5 15852);

6 “(iii)(I) collect energy and water use
7 and consumption data from each agency;
8 and

9 “(II) based on that data, submit to
10 each agency a report that will facilitate the
11 energy and water management, energy-re-
12 lated investment practices, and environ-
13 mental stewardship of the agency in sup-
14 port of Federal goals under this Act and
15 under other provisions of law;

16 “(iv) carry out the responsibilities of
17 the Secretary under section 305 of the En-
18 ergy Conservation and Production Act (42
19 U.S.C. 6834); and

20 “(v) in consultation with the Adminis-
21 trator of the General Services Administra-
22 tion, acting through the head of the Office
23 of High-Performance Green Buildings, es-
24 tablish and implement sustainable design
25 principles for Federal facilities;

1 “(vi) designate products that meet the
2 highest energy conservation standards for
3 categories not covered under the Energy
4 Star program established under section
5 324A of the Energy Policy and Conserva-
6 tion Act (42 U.S.C. 6294a).

7 “(C) FEDERAL INTERAGENCY COORDINA-
8 TION.—In administering the Program, the Fed-
9 eral Director shall—

10 “(i) develop and implement accredited
11 training consistent with existing Federal
12 programs and activities—

13 “(I) relating to energy and water
14 use, management, and resilience in
15 Federal facilities, energy-related in-
16 vestment practices, and environmental
17 stewardship; and

18 “(II) that includes in-person
19 training, internet-based programs,
20 and national in-person training
21 events;

22 “(ii) carry out the functions of the
23 Secretary with respect to the Interagency
24 Energy Management Task Force under
25 section 547; and

1 “(iii) report on the implementation of
2 the priorities of the President, including
3 Executive Orders, relating to energy and
4 water use in Federal facilities, in coordina-
5 tion with—

6 “(I) the Office of Management
7 and Budget;

8 “(II) the Council on Environ-
9 mental Quality; and

10 “(III) any other entity, as consid-
11 ered necessary by the Federal Direc-
12 tor.

13 “(D) FACILITY AND FLEET OPTIMIZA-
14 TION.—In administering the Program, the Fed-
15 eral Director shall develop guidance, supply as-
16 sistance to, and track the progress of agen-
17 cies—

18 “(i) in conducting portfolio-wide facil-
19 ity energy and water resilience planning
20 and project integration;

21 “(ii) in building new construction and
22 major renovations to meet the sustainable
23 design and energy and water performance
24 standards required under this section;

25 “(iii) in developing guidelines for—

1 “(I) facility commissioning; and
2 “(II) facility operations and
3 maintenance; and
4 “(iv) in coordination with the Admin-
5 istrator of the General Services Adminis-
6 tration, in meeting statutory and agency
7 goals for Federal fleet vehicles.

8 “(4) MANAGEMENT COUNCIL.—The Federal Di-
9 rector shall establish a management council to ad-
10 vise the Federal Director that shall—

11 “(A) convene not less frequently than once
12 every quarter; and

13 “(B) consist of representatives from—

14 “(i) the Council on Environmental
15 Quality;

16 “(ii) the Office of Management and
17 Budget; and

18 “(iii) the Office of Federal High-Per-
19 formance Green Buildings in the General
20 Services Administration.

21 “(5) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to the Sec-
23 retary to carry out this subsection \$36,000,000 for
24 each of fiscal years 2021 through 2025.”.

1 **Subtitle C—Vehicles**

2 **CHAPTER 1—DERA**

3 **SEC. 33301. REAUTHORIZATION OF DIESEL EMISSIONS RE-**
4 **DUCTION PROGRAM.**

5 Section 797(a) of the Energy Policy Act of 2005 (42
6 U.S.C. 16137(a)) is amended by striking “\$100,000,000
7 for each of fiscal years 2012 through 2016” and inserting
8 “\$500,000,000 for each of fiscal years 2021 through
9 2025”.

10 **CHAPTER 2—CLEAN COMMUTE FOR KIDS**

11 **SEC. 33311. REAUTHORIZATION OF CLEAN SCHOOL BUS**
12 **PROGRAM.**

13 (a) DEFINITIONS.—

14 (1) ALTERNATIVE FUEL.—Section 741(a)(2) of
15 the Energy Policy Act of 2005 (42 U.S.C. 16091(a))
16 is amended—

17 (A) in subparagraph (B), by striking “or”
18 after the semicolon;

19 (B) in subparagraph (C), by striking the
20 period at the end and inserting “; or”; and

21 (C) by adding at the end the following new
22 subparagraph:

23 “(D) electricity.”.

1 (2) CLEAN SCHOOL BUS.—Paragraph (3) of
2 section 741(a) of the Energy Policy Act of 2005 (42
3 U.S.C. 16091(a)) is amended to read as follows:

4 “(3) CLEAN SCHOOL BUS.—The term ‘clean
5 school bus’ means—

6 “(A) a school bus with a gross vehicle
7 weight of greater than 14,000 pounds that—

8 “(i) is powered by a heavy duty en-
9 gine; and

10 “(ii) is operated solely on an alter-
11 native fuel or ultra-low sulfur diesel fuel;

12 or

13 “(B) a vehicle designed to carry more than
14 10 passengers that—

15 “(i) complies with Federal motor vehi-
16 cle safety standards for school buses; and

17 “(ii) meets or exceeds Federal vehicle
18 emission standards for medium-duty pas-
19 senger vehicles for model year 2016.”.

20 (b) PROGRAM FOR RETROFIT OR REPLACEMENT OF
21 CERTAIN EXISTING SCHOOL BUSES WITH CLEAN
22 SCHOOL BUSES.—

23 (1) NATIONAL GRANT, REBATE, AND LOAN PRO-
24 GRAMS.—

1 (A) IN GENERAL.—Section 741(b)(1)(A) of
2 the Energy Policy Act of 2005 (42 U.S.C.
3 16091(b)(1)(A)) is amended by inserting after
4 “awarding grants” the following: “, rebates,
5 and low-cost revolving loans, as determined by
6 the Administrator, including through contracts
7 pursuant to subsection (d),”.

8 (B) CONFORMING CHANGES.—Section 741
9 of the Energy Policy Act of 2005 (42 U.S.C.
10 16091) is amended—

11 (i) in subsection (a)(4)(B), by striking
12 “grant funds” and inserting “award
13 funds”;

14 (ii) in subsection (b)(1)(B), by strik-
15 ing “awarding grants” each place it ap-
16 pears and inserting “making awards”;

17 (iii) in the heading of subsection
18 (b)(2), by striking “GRANT APPLICATIONS”
19 and inserting “AWARD APPLICATIONS”;

20 (iv) in subsection (b)(2)(A), by strik-
21 ing “grant applications” and inserting
22 “award applications”;

23 (v) in subsection (b)(3)(A), by strik-
24 ing “grant” and insert “award”;

25 (vi) and (b)(4)—

1 (I) in the paragraph heading, by
2 striking “GRANTS” and inserting
3 “AWARDS”;

4 (II) by striking “award grants”
5 and inserting “make awards”;

6 (vii) in subsection (b)(7)—

7 (I) by striking “grant awards”
8 and inserting “awards”; and

9 (II) by striking “grant funding”
10 and inserting “funding”;

11 (viii) in subsection (b)(8)(A)(ii)—

12 (I) in subclauses (I) and (II), by
13 striking “grant applications” each
14 place it appears and inserting “award
15 applications”; and

16 (II) in subclause (III)—

17 (aa) by striking “grants
18 awarded” and inserting “awards
19 made”; and

20 (bb) by striking “grant re-
21 cipients” and inserting “award
22 recipients”; and

23 (ix) in subsection (c)(3)—

24 (I) in subparagraph (A)—

1 (aa) by striking “grant re-
2 cipients” and inserting “award
3 recipients”; and

4 (bb) by striking “grants”
5 and inserting “awards”; and

6 (II) in subparagraph (C), by
7 striking “grant program” and insert-
8 ing “award program”.

9 (2) PRIORITY OF AWARD APPLICATIONS.—Sec-
10 tion 741(b)(2) of the Energy Policy Act of 2005 (42
11 U.S.C. 16091(b)(2)) is amended—

12 (A) in subparagraph (A)—

13 (i) by striking “1977” and inserting
14 “2007”; and

15 (ii) by inserting before the period at
16 the end “with clean school buses with low
17 or zero emissions”; and

18 (B) by amending subparagraph (B) to read
19 as follows:

20 “(B) RETROFITTING.—In the case of
21 award applications to retrofit school buses, the
22 Administrator shall give highest priority to ap-
23 plicants that propose to retrofit school buses
24 manufactured in or after model year 2010 to
25 become clean school buses.”.

1 (3) USE OF SCHOOL BUS FLEET.—Section
2 741(b)(3)(B) of the Energy Policy Act of 2005 (42
3 U.S.C. 16091(b)(3)(B)) is amended by inserting
4 “charged,” after “operated,”.

5 (4) REPLACEMENT AWARDS.—Paragraph (5) of
6 section 741(b) of the Energy Policy Act of 2005 (42
7 U.S.C. 16091(b)) is amended to read as follows:

8 “(5) REPLACEMENT AWARDS.—In the case of
9 awards to replace school buses—

10 “(A) the Administrator may make awards
11 for up to 60 percent of the replacement costs;
12 and

13 “(B) such replacement costs may include
14 the costs of acquiring the clean school buses
15 and charging and fueling infrastructure.”.

16 (5) ULTRA LOW-SULFUR DIESEL FUEL.—Sec-
17 tion 741(b) of the Energy Policy Act of 2005 (42
18 U.S.C. 16091(b)) is amended—

19 (A) by striking paragraph (6); and

20 (B) by redesignating paragraph (7) as
21 paragraph (6).

22 (6) SCRAPPAGE.—Section 741(b) of the Energy
23 Policy Act of 2005 (42 U.S.C. 16091(b)) is further
24 amended by inserting after paragraph (6), as reded-
25 signated, the following new paragraph:

1 “(7) SCRAPPAGE.—In the case of an award
2 under this section for the replacement of a school
3 bus or a retrofit including installation of a new en-
4 gine, the Administrator shall require the recipient of
5 the award to verify that the replaced bus, or the en-
6 gine of a retrofitted bus that was removed, was re-
7 turned to the supplier for remanufacturing to a
8 more stringent set of engine emissions standards or
9 for scrappage.”.

10 (c) EDUCATION.—Paragraph (1) of section 741(c) of
11 the Energy Policy Act of 2005 (42 U.S.C. 16091(c)) is
12 amended to read as follows:

13 “(1) IN GENERAL.—Not later than 90 days
14 after the date of enactment of the Clean Commute
15 for Kids Act of 2020, the Administrator shall de-
16 velop an education outreach program to promote and
17 explain the award program under subsection (b), as
18 amended by such Act.”.

19 (d) CONTRACT PROGRAMS; ADMINISTRATIVE
20 COSTS.—Section 741 of the Energy Policy Act of 2005
21 (42 U.S.C. 16091) is amended—

22 (1) by redesignating subsection (d) as sub-
23 section (f); and

24 (2) by inserting after subsection (c) the fol-
25 lowing new subsections:

1 “(d) CONTRACT PROGRAMS.—

2 “(1) AUTHORITY.—In addition to the use of
3 contracting authority otherwise available to the Ad-
4 ministrator, the Administrator may enter into con-
5 tracts with eligible contractors described in para-
6 graph (2) for awarding rebates and low-cost revolv-
7 ing loans pursuant to subsection (b)(1).

8 “(2) ELIGIBLE CONTRACTORS.—A contractor is
9 an eligible contractor described in this paragraph if
10 the contractor is a for-profit, not-for-profit, or non-
11 profit entity that has the capacity—

12 “(A) to sell clean school buses or equip-
13 ment to, or to arrange financing for, individuals
14 or entities that own a school bus or fleet of
15 school buses; or

16 “(B) to upgrade school buses or their
17 equipment with verified or Environmental Pro-
18 tection Agency-certified engines or technologies,
19 or to arrange financing for such upgrades.

20 “(e) ADMINISTRATIVE COSTS.—The Administrator
21 may not use, for the administrative costs of carrying out
22 this section, more than one percent of the amounts made
23 available to carry out this section for any fiscal year.”.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—Sub-
25 section (f), as redesignated, of section 741 of the Energy

1 Policy Act of 2005 (42 U.S.C. 16091) is amended to read
2 as follows:

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There is authorized to be
5 appropriated to the Administrator to carry out this
6 section, to remain available until expended,
7 \$65,000,000 for each of fiscal years 2021 through
8 2025, of which not less than \$15,000,000 each such
9 fiscal year shall be used for grants under this section
10 to eligible recipients proposing to replace or retrofit
11 school buses to serve an underserved or disadvan-
12 taged community.

13 “(2) DEFINITION.—In this subsection, the term
14 ‘underserved or disadvantaged community’ means a
15 community located in a zip code within a census
16 tract that is identified as—

17 “(A) a low-income community;

18 “(B) an urban community of color; or

19 “(C) any other urban community that the
20 Administrator determines is disproportionately
21 vulnerable to, or bears a disproportionate bur-
22 den of, any combination of economic, social,
23 and environmental stressors.”.

1 **CHAPTER 3—REFRIGERATED VEHICLES**

2 **SEC. 33321. PILOT PROGRAM FOR THE ELECTRIFICATION**
3 **OF CERTAIN REFRIGERATED VEHICLES.**

4 (a) ESTABLISHMENT OF PILOT PROGRAM.—The Ad-
5 ministrator shall establish and carry out a pilot program
6 to award funds, in the form of grants, rebates, and low-
7 cost revolving loans, as determined appropriate by the Ad-
8 ministrator, on a competitive basis, to eligible entities to
9 carry out projects described in subsection (b).

10 (b) PROJECTS.—An eligible entity receiving an award
11 of funds under subsection (a) may use such funds only
12 for one or more of the following projects:

13 (1) TRANSPORT REFRIGERATION UNIT RE-
14 PLACEMENT.—A project to retrofit a heavy-duty ve-
15 hicle by replacing or retrofitting the existing diesel-
16 powered transport refrigeration unit in such vehicle
17 with an electric transport refrigeration unit and re-
18 tiring the replaced unit for scrappage.

19 (2) SHORE POWER INFRASTRUCTURE.—A
20 project to purchase and install shore power infra-
21 structure or other equipment that enables transport
22 refrigeration units to connect to electric power and
23 operate without using diesel fuel.

24 (c) MAXIMUM AMOUNTS.—The amount of an award
25 of funds under subsection (a) shall not exceed—

1 (1) for the costs of a project described in sub-
2 section (b)(1), 75 percent of such costs; and

3 (2) for the costs of a project described in sub-
4 section (b)(2), 55 percent of such costs.

5 (d) APPLICATIONS.—To be eligible to receive an
6 award of funds under subsection (a), an eligible entity
7 shall submit to the Administrator—

8 (1) a description of the air quality in the area
9 served by the eligible entity, including a description
10 of how the air quality is affected by diesel emissions
11 from heavy-duty vehicles;

12 (2) a description of the project proposed by the
13 eligible entity, including—

14 (A) any technology to be used or funded by
15 the eligible entity; and

16 (B) a description of the heavy-duty vehicle
17 or vehicles of the eligible entity, that will be ret-
18 rofitted, if any, including—

19 (i) the number of such vehicles;

20 (ii) the uses of such vehicles;

21 (iii) the locations where such vehicles
22 dock for the purpose of loading or unload-
23 ing; and

1 (iv) the routes driven by such vehicles,
2 including the times at which such vehicles
3 are driven;

4 (3) an estimate of the cost of the proposed
5 project;

6 (4) a description of the age and expected life-
7 time control of the equipment used or funded by the
8 eligible entity; and

9 (5) provisions for the monitoring and
10 verification of the project including to verify
11 scrappage of replaced units.

12 (e) PRIORITY.—In awarding funds under subsection
13 (a), the Administrator shall give priority to proposed
14 projects that, as determined by the Administrator—

15 (1) maximize public health benefits;

16 (2) are the most cost-effective; and

17 (3) will serve the communities that are most
18 polluted by diesel motor emissions, including com-
19 munities that the Administrator identifies as being
20 in either nonattainment or maintenance of the na-
21 tional ambient air quality standards for a criteria
22 pollutant, particularly for—

23 (A) ozone; and

24 (B) particulate matter.

1 (f) DATA RELEASE.—Not later than 120 days after
2 the date on which an award of funds is made under this
3 section, the Administrator shall publish on the website of
4 the Environmental Protection Agency, on a downloadable
5 electronic database, information with respect to such
6 award of funds, including—

7 (1) the name and location of the recipient;

8 (2) the total amount of funds awarded;

9 (3) the intended use or uses of the awarded
10 funds;

11 (4) the date on which the award of funds was
12 approved;

13 (5) where applicable, an estimate of any air pol-
14 lution or greenhouse gas emissions avoided as a re-
15 sult of the project funded by the award; and

16 (6) any other data the Administrator deter-
17 mines to be necessary for an evaluation of the use
18 and effect of awarded funds provided under this sec-
19 tion.

20 (g) REPORTS TO CONGRESS.—

21 (1) ANNUAL REPORT TO CONGRESS.—Not later
22 than 1 year after the date of the establishment of
23 the pilot program under this section, and annually
24 thereafter until amounts made available to carry out
25 this section are expended, the Administrator shall

1 submit to Congress and make available to the public
2 a report that describes, with respect to the applica-
3 ble year—

4 (A) the number of applications for awards
5 of funds received under such program;

6 (B) all awards of funds made under such
7 program, including a summary of the data de-
8 scribed in subsection (f);

9 (C) the estimated reduction of annual
10 emissions of air pollutants regulated under sec-
11 tion 109 of the Clean Air Act (42 U.S.C.
12 7409), and the estimated reduction of green-
13 house gas emissions, associated with the awards
14 of funds made under such program;

15 (D) the number of awards of funds made
16 under such program for projects in communities
17 described in subsection (e)(3); and

18 (E) any other data the Administrator de-
19 termines to be necessary to describe the imple-
20 mentation, outcomes, or effectiveness of such
21 program.

22 (2) FINAL REPORT.—Not later than 1 year
23 after amounts made available to carry out this sec-
24 tion are expended, or 5 years after the pilot program
25 is established, whichever comes first, the Adminis-

1 trator shall submit to Congress and make available
2 to the public a report that describes—

3 (A) all of the information collected for the
4 annual reports under paragraph (1);

5 (B) any benefits to the environment or
6 human health that could result from the wide-
7 spread application of electric transport refriger-
8 eration units for short-haul transportation and
9 delivery of perishable goods or other goods re-
10 quiring climate-controlled conditions, including
11 in low-income communities and communities of
12 color;

13 (C) any challenges or benefits that recipi-
14 ents of awards of funds under such program re-
15 ported with respect to the integration or use of
16 electric transport refrigeration units and associ-
17 ated technologies;

18 (D) an assessment of the national market
19 potential for electric transport refrigeration
20 units;

21 (E) an assessment of challenges and op-
22 portunities for widespread deployment of elec-
23 tric transport refrigeration units, including in
24 urban areas; and

1 (F) recommendations for how future Fed-
2 eral, State, and local programs can best support
3 the adoption and widespread deployment of
4 electric transport refrigeration units.

5 (h) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Environ-
8 mental Protection Agency.

9 (2) DIESEL-POWERED TRANSPORT REFRIGERA-
10 TION UNIT.—The term “diesel-powered transport re-
11 frigeration unit” means a transport refrigeration
12 unit that is powered by an independent diesel inter-
13 nal combustion engine.

14 (3) ELECTRIC TRANSPORT REFRIGERATION
15 UNIT.—The term “electric transport refrigeration
16 unit” means a transport refrigeration unit in which
17 the refrigeration or climate-control system is driven
18 by an electric motor when connected to shore power
19 infrastructure or other equipment that enables
20 transport refrigeration units to connect to electric
21 power, including all-electric transport refrigeration
22 units, hybrid electric transport refrigeration units,
23 and standby electric transport refrigeration units.

24 (4) ELIGIBLE ENTITY.—The term “eligible enti-
25 ty” means—

1 (A) a regional, State, local, or Tribal agen-
2 cy, or port authority, with jurisdiction over
3 transportation or air quality;

4 (B) a nonprofit organization or institution
5 that—

6 (i) represents or provides pollution re-
7 duction or educational services to persons
8 or organizations that own or operate
9 heavy-duty vehicles or fleets of heavy-duty
10 vehicles; or

11 (ii) has, as its principal purpose, the
12 promotion of air quality;

13 (C) an individual or entity that is the
14 owner of record of a heavy-duty vehicle or a
15 fleet of heavy-duty vehicles that operates for the
16 transportation and delivery of perishable goods
17 or other goods requiring climate-controlled con-
18 ditions;

19 (D) an individual or entity that is the
20 owner of record of a facility that operates as a
21 warehouse or storage facility for perishable
22 goods or other goods requiring climate-con-
23 trolled conditions; or

24 (E) a hospital or public health institution
25 that utilizes refrigeration for storage of perish-

1 able goods or other goods requiring climate-con-
2 trolled conditions.

3 (5) HEAVY-DUTY VEHICLE.—The term “heavy-
4 duty vehicle” means—

5 (A) a commercial truck or van—

6 (i) used for the primary purpose of
7 transporting perishable goods or other
8 goods requiring climate-controlled condi-
9 tions; and

10 (ii) with a gross vehicle weight rating
11 greater than 6,000 pounds; or

12 (B) an insulated cargo trailer used in
13 transporting perishable goods or other goods re-
14 quiring climate-controlled conditions when
15 mounted on a semitrailer.

16 (6) SHORE POWER INFRASTRUCTURE.—The
17 term “shore power infrastructure” means electrical
18 infrastructure that provides power to the electric
19 transport refrigeration unit of a heavy-duty vehicle
20 when such vehicle is stationary on a property where
21 such vehicle is parked or loaded, including a food
22 distribution center or other location where heavy-
23 duty vehicles congregate.

24 (7) TRANSPORT REFRIGERATION UNIT.—The
25 term “transport refrigeration unit” means a climate-

1 control system installed on a heavy-duty vehicle for
2 the purpose of maintaining the quality of perishable
3 goods or other goods requiring climate-controlled
4 conditions.

5 (i) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated to carry out this section \$10,000,000,
8 to remain available until expended.

9 (2) ADMINISTRATIVE EXPENSES.—The Admin-
10 istrator may use not more than 1 percent of
11 amounts made available pursuant to paragraph (1)
12 for administrative expenses to carry out this section.

13 **CHAPTER 4—EV INFRASTRUCTURE**

14 **SEC. 33331. DEFINITIONS.**

15 In this chapter:

16 (1) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—

17 The term “electric vehicle supply equipment” means
18 any conductors, including ungrounded, grounded,
19 and equipment grounding conductors, electric vehicle
20 connectors, attachment plugs, and all other fittings,
21 devices, power outlets, or apparatuses installed spe-
22 cifically for the purpose of delivering energy to an
23 electric vehicle.

24 (2) SECRETARY.—The term “Secretary” means
25 the Secretary of Energy.

1 (3) UNDERSERVED OR DISADVANTAGED COM-
2 MUNITY.—The term “underserved or disadvantaged
3 community” means—

4 (A) a community located in a ZIP code
5 that includes a census tract that is identified
6 as—

7 (i) a low-income community; or

8 (ii) a community of color; or

9 (B) any other community that the Sec-
10 retary determines is disproportionately vulner-
11 able to, or bears a disproportionate burden of,
12 any combination of economic, social, and envi-
13 ronmental stressors.

14 **SEC. 33332. ELECTRIC VEHICLE SUPPLY EQUIPMENT RE-**
15 **BATE PROGRAM.**

16 (a) REBATE PROGRAM.—Not later than January 1,
17 2021, the Secretary shall establish a rebate program to
18 provide rebates for covered expenses associated with pub-
19 licly accessible electric vehicle supply equipment (in this
20 section referred to as the “rebate program”).

21 (b) REBATE PROGRAM REQUIREMENTS.—

22 (1) ELIGIBLE ENTITIES.—A rebate under the
23 rebate program may be made to an individual, a
24 State, local, Tribal, or Territorial government, a pri-

1 vate entity, a not-for-profit entity, a nonprofit entity,
2 or a metropolitan planning organization.

3 (2) ELIGIBLE EQUIPMENT.—

4 (A) IN GENERAL.—Not later than 180
5 days after the date of the enactment of this
6 Act, the Secretary shall publish and maintain
7 on the Department of Energy internet website
8 a list of electric vehicle supply equipment that
9 is eligible for the rebate program.

10 (B) UPDATES.—The Secretary may, by
11 regulation, add to, or otherwise revise, the list
12 of electric vehicle supply equipment under sub-
13 paragraph (A) if the Secretary determines that
14 such addition or revision will likely lead to—

15 (i) greater usage of electric vehicle
16 supply equipment;

17 (ii) greater access to electric vehicle
18 supply equipment by users; or

19 (iii) an improved experience for users
20 of electric vehicle supply equipment.

21 (C) LOCATION REQUIREMENT.—To be eli-
22 gible for the rebate program, the electric vehicle
23 supply equipment described in subparagraph
24 (A) shall be installed—

25 (i) in the United States;

- 1 (ii) on property—
- 2 (I) owned by the eligible entity
- 3 under paragraph (1); or
- 4 (II) on which the eligible entity
- 5 under paragraph (1) has authority to
- 6 install electric vehicle supply equip-
- 7 ment; and
- 8 (iii) at a location that is—
- 9 (I) a multi-unit housing struc-
- 10 ture;
- 11 (II) a workplace;
- 12 (III) a commercial location; or
- 13 (IV) open to the public for a
- 14 minimum of 12 hours per day;

15 (3) APPLICATION.—

16 (A) IN GENERAL.—An eligible entity under

17 paragraph (1) may submit to the Secretary an

18 application for a rebate under the rebate pro-

19 gram. Such application shall include—

- 20 (i) the estimated cost of covered ex-
- 21 penses to be expended on the electric vehi-
- 22 cle supply equipment that is eligible under
- 23 paragraph (2);

1 (ii) the estimated installation cost of
2 the electric vehicle supply equipment that
3 is eligible under paragraph (2);

4 (iii) the global positioning system lo-
5 cation, including the integer number of de-
6 grees, minutes, and seconds, where such
7 electric vehicle supply equipment is to be
8 installed, and identification of whether
9 such location is—

10 (I) a multi-unit housing struc-
11 ture;

12 (II) a workplace;

13 (III) a commercial location; or

14 (IV) open to the public for a
15 minimum of 12 hours per day;

16 (iv) the technical specifications of
17 such electric vehicle supply equipment, in-
18 cluding the maximum power voltage and
19 amperage of such equipment; and

20 (v) any other information determined
21 by the Secretary to be necessary for a com-
22 plete application.

23 (B) REVIEW PROCESS.—The Secretary
24 shall review an application for a rebate under
25 the rebate program and approve an eligible en-

1 tity under paragraph (1) to receive such rebate
2 if the application meets the requirements of the
3 rebate program under this subsection.

4 (C) NOTIFICATION TO ELIGIBLE ENTITY.—
5 Not later than 1 year after the date on which
6 the eligible entity under paragraph (1) applies
7 for a rebate under the rebate program, the Sec-
8 retary shall notify the eligible entity whether
9 the eligible entity will be awarded a rebate
10 under the rebate program following the submis-
11 sion of additional materials required under
12 paragraph (5).

13 (4) REBATE AMOUNT.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), the amount of a rebate made
16 under the rebate program for each charging
17 unit shall be the lesser of—

18 (i) 75 percent of the applicable cov-
19 ered expenses;

20 (ii) \$2,000 for covered expenses asso-
21 ciated with the purchase and installation of
22 non-networked level 2 charging equipment;

23 (iii) \$4,000 for covered expenses asso-
24 ciated with the purchase and installation of
25 networked level 2 charging equipment; or

1 (iv) \$75,000 for covered expenses as-
2 sociated with the purchase and installation
3 of networked direct current fast charging
4 equipment.

5 (B) REBATE AMOUNT FOR REPLACEMENT
6 EQUIPMENT.—A rebate made under the rebate
7 program for replacement of pre-existing electric
8 vehicle supply equipment at a single location
9 shall be the lesser of—

10 (i) 75 percent of the applicable cov-
11 ered expenses;

12 (ii) \$1,000 for covered expenses asso-
13 ciated with the purchase and installation of
14 non-networked level 2 charging equipment;

15 (iii) \$2,000 for covered expenses asso-
16 ciated with the purchase and installation of
17 networked level 2 charging equipment; or

18 (iv) \$25,000 for covered expenses as-
19 sociated with the purchase and installation
20 of networked direct current fast charging
21 equipment.

22 (5) DISBURSEMENT OF REBATE.—

23 (A) IN GENERAL.—The Secretary shall
24 disburse a rebate under the rebate program to
25 an eligible entity under paragraph (1), following

1 approval of an application under paragraph (3),
2 if such entity submits the materials required
3 under subparagraph (B).

4 (B) MATERIALS REQUIRED FOR DISBURSE-
5 MENT OF REBATE.—Not later than one year
6 after the date on which the eligible entity under
7 paragraph (1) receives notice under paragraph
8 (3)(C) that the eligible entity has been ap-
9 proved for a rebate, such eligible entity shall
10 submit to the Secretary the following—

11 (i) a record of payment for covered
12 expenses expended on the installation of
13 the electric vehicle supply equipment that
14 is eligible under paragraph (2);

15 (ii) a record of payment for the elec-
16 tric vehicle supply equipment that is eligi-
17 ble under paragraph (2);

18 (iii) the global positioning system lo-
19 cation of where such electric vehicle supply
20 equipment was installed and identification
21 of whether such location is—

22 (I) a multi-unit housing struc-
23 ture;

24 (II) a workplace;

25 (III) a commercial location; or

1 (IV) open to the public for a
2 minimum of 12 hours per day;

3 (iv) the technical specifications of the
4 electric vehicle supply equipment that is el-
5 ible under paragraph (2), including the
6 maximum power voltage and amperage of
7 such equipment; and

8 (v) any other information determined
9 by the Secretary to be necessary.

10 (C) AGREEMENT TO MAINTAIN.—To be eli-
11 gible for a rebate under the rebate program, an
12 eligible entity under paragraph (1) shall enter
13 into an agreement with the Secretary to main-
14 tain the electric vehicle supply equipment that
15 is eligible under paragraph (2) in a satisfactory
16 manner for not less than 5 years after the date
17 on which the eligible entity under paragraph (1)
18 receives the rebate under the rebate program.

19 (D) EXCEPTION.—The Secretary shall not
20 disburse a rebate under the rebate program if
21 materials submitted under subparagraph (B) do
22 not meet the same global positioning system lo-
23 cation and technical specifications for the elec-
24 tric vehicle supply equipment that is eligible

1 under paragraph (2) provided in an application
2 under paragraph (3).

3 (6) MULTI-PORT CHARGERS.—An eligible entity
4 under paragraph (1) shall be awarded a rebate
5 under the rebate program for covered expenses relat-
6 ing to the purchase and installation of a multi-port
7 charger based on the number of publicly accessible
8 charging ports, with each subsequent port after the
9 first port being eligible for 50 percent of the full re-
10 bate amount.

11 (7) HYDROGEN FUEL CELL REFUELING INFRA-
12 STRUCTURE.—Hydrogen fuel cell refueling equip-
13 ment shall be eligible for a rebate under the rebate
14 program. All requirements related to public accessi-
15 bility of installed locations shall apply. Of the
16 amounts appropriated to carry out the rebate pro-
17 gram, not more than 25 percent may be used for re-
18 bates for hydrogen fuel cell refueling equipment.

19 (8) REPORT.—Not later than 3 years after the
20 first date on which the Secretary awards a rebate
21 under the rebate program, the Secretary shall sub-
22 mit to the Committee on Energy and Commerce of
23 the House of Representatives and the Committee on
24 Energy and Natural Resources of the Senate a re-
25 port of the number of rebates awarded for electric

1 vehicle supply equipment and hydrogen fuel cell re-
2 fueling equipment in each of the location categories
3 described in paragraph (2)(C)(iii).

4 (c) DEFINITIONS.—In this section:

5 (1) COVERED EXPENSES.—The term “covered
6 expenses” means an expense that is associated with
7 the purchase and installation of electric vehicle sup-
8 ply equipment, including—

9 (A) the cost of electric vehicle supply
10 equipment;

11 (B) labor costs associated with the installa-
12 tion of such electric vehicle supply equipment,
13 only if wages for such labor are paid at rates
14 not less than those prevailing on similar labor
15 in the locality of installation, as determined by
16 the Secretary of Labor under subchapter IV of
17 chapter 31 of title 40, United States Code
18 (commonly referred to as the “Davis-Bacon
19 Act”);

20 (C) material costs associated with the in-
21 stallation of such electric vehicle supply equip-
22 ment, including expenses involving electrical
23 equipment and necessary upgrades or modifica-
24 tions to the electrical grid and associated infra-

1 structure required for the installation of such
2 electric vehicle supply equipment;

3 (D) permit costs associated with the instal-
4 lation of such electric vehicle supply equipment;
5 and

6 (E) the cost of an on-site energy storage
7 system.

8 (2) ELECTRIC VEHICLE.—The term “electric
9 vehicle” means a vehicle that derives all or part of
10 its power from electricity.

11 (3) MULTI-PORT CHARGER.—The term “multi-
12 port charger” means electric vehicle supply equip-
13 ment capable of charging more than one electric ve-
14 hicle.

15 (4) LEVEL 2 CHARGING EQUIPMENT.—The
16 term “level 2 charging equipment” means electric
17 vehicle supply equipment that provides an alter-
18 nating current power source at a minimum of 240
19 volts.

20 (5) NETWORKED DIRECT CURRENT FAST
21 CHARGING EQUIPMENT.—The term “networked di-
22 rect current fast charging equipment” means electric
23 vehicle supply equipment that provides a direct cur-
24 rent power source at a minimum of 50 kilowatts and

1 is enabled to connect to a network to facilitate data
2 collection and access.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$100,000,000 for each of fiscal years 2021 through 2025.

6 **SEC. 33333. EXPANDING ACCESS TO ELECTRIC VEHICLES IN**
7 **UNDERSERVED COMMUNITIES.**

8 (a) ASSESSMENT.—

9 (1) IN GENERAL.—

10 (A) ASSESSMENT.—The Secretary shall
11 conduct an assessment of the state of, chal-
12 lenges to, and opportunities for the deployment
13 of electric vehicle charging infrastructure in un-
14 derserved or disadvantaged communities located
15 in major urban areas and rural areas through-
16 out the United States.

17 (B) REPORT.—Not later than 1 year after
18 the date of the enactment of this Act, the Sec-
19 retary shall submit to the Committee on Energy
20 and Commerce of the House of Representatives
21 and the Committee on Energy and Natural Re-
22 sources of the Senate a report on the results of
23 the assessment conducted under subparagraph
24 (A), which shall—

1 (i) describe the state of deployment of
2 electric vehicle charging infrastructure in
3 underserved or disadvantaged communities
4 located in major urban areas and rural
5 areas by providing—

6 (I) the number of existing and
7 planned Level 2 charging stations and
8 DC FAST charging stations per cap-
9 ita in each State for charging individ-
10 ually owned light-duty and medium-
11 duty electric vehicles;

12 (II) the number of existing and
13 planned Level 2 charging stations and
14 DC FAST charging stations for
15 charging public and private fleet elec-
16 tric vehicles and medium- and heavy-
17 duty electric equipment and electric
18 vehicles;

19 (III) the number of Level 2
20 charging stations and DC FAST
21 charging stations installed in or avail-
22 able to occupants of publicly owned
23 and privately owned multi-unit dwell-
24 ings;

1 (IV) information pertaining to
2 policies, plans, and programs that cit-
3 ies, States, utilities, and private enti-
4 ties are using to encourage greater de-
5 ployment and usage of electric vehi-
6 cles and the associated electric vehicle
7 charging infrastructure, including pro-
8 grams to encourage deployment of
9 charging stations available to resi-
10 dents in publicly owned and privately
11 owned multi-unit dwellings;

12 (V) information pertaining to
13 ownership models for Level 2 charging
14 stations and DC FAST charging sta-
15 tions located in publicly owned and
16 privately owned residential multi-unit
17 dwellings, commercial buildings, pub-
18 lic and private parking areas, and
19 curb-side locations; and

20 (VI) information pertaining to
21 how charging stations are financed
22 and the rates charged for the use of
23 Level 2 charging stations and DC
24 FAST charging stations;

1 (ii) describe the methodology used to
2 obtain the information provided in the re-
3 port;

4 (iii) identify the barriers to expanding
5 deployment of electric vehicle charging in-
6 frastructure in underserved or disadvan-
7 taged communities in major urban areas
8 and rural areas, including any challenges
9 relating to such deployment in multi-unit
10 dwellings;

11 (iv) compile and provide an analysis of
12 the best practices and policies used by
13 State and local governments and private
14 entities to increase deployment of electric
15 vehicle charging infrastructure in under-
16 served or disadvantaged communities in
17 major urban areas and rural areas, includ-
18 ing best practices with respect to—

19 (I) public outreach and engage-
20 ment; and

21 (II) increasing deployment of
22 electric vehicle charging infrastructure
23 in publicly owned and privately owned
24 multi-unit dwellings; and

1 (v) enumerate and identify the num-
2 ber of electric vehicle charging stations per
3 capita at locations within each major
4 urban area and rural area throughout the
5 United States with detail at the level of
6 ZIP Codes and census tracts.

7 (2) FIVE-YEAR UPDATE ASSESSMENT.—Not
8 later than 5 years after the date of the enactment
9 of this Act, the Secretary shall—

10 (A) update the assessment conducted
11 under paragraph (1)(A); and

12 (B) make public and submit to the Com-
13 mittee on Energy and Commerce of the House
14 of Representatives and the Committee on En-
15 ergy and Natural Resources of the Senate a re-
16 port, which shall—

17 (i) update the information required by
18 paragraph (1)(B); and

19 (ii) include a description of case stud-
20 ies and key lessons learned after the date
21 on which the report under paragraph
22 (1)(B) was submitted with respect to ex-
23 panding the deployment of electric vehicle
24 charging infrastructure in underserved or

1 disadvantaged communities in major urban
2 areas and rural areas.

3 (b) DEFINITIONS.—In this section:

4 (1) ELECTRIC VEHICLE CHARGING INFRA-
5 STRUCTURE.—The term “electric vehicle charging
6 infrastructure” means electric vehicle supply equip-
7 ment and other physical assets that provide for the
8 distribution of and access to electricity for the pur-
9 pose of charging an electric vehicle or a plug-in hy-
10 brid electric vehicle.

11 (2) MAJOR URBAN AREA.—The term “major
12 urban area” means a metropolitan statistical area
13 within the United States with an estimated popu-
14 lation that is greater than or equal to 1,500,000.

15 **SEC. 33334. ENSURING PROGRAM BENEFITS FOR UNDER-**
16 **SERVED AND DISADVANTAGED COMMU-**
17 **NITIES.**

18 In carrying out this chapter, and the amendments
19 made by this chapter, the Secretary shall provide, to the
20 extent practicable access to electric vehicle charging infra-
21 structure, address transportation needs, and provide im-
22 proved air quality in underserved or disadvantaged com-
23 munities.

1 **SEC. 33335. MODEL BUILDING CODE FOR ELECTRIC VEHI-**
2 **CLE SUPPLY EQUIPMENT.**

3 (a) REVIEW.—The Secretary shall review proposed or
4 final model building codes for—

5 (1) integrating electric vehicle supply equipment
6 into residential and commercial buildings that in-
7 clude space for individual vehicle or fleet vehicle
8 parking; and

9 (2) integrating onsite renewable power equip-
10 ment and electric storage equipment (including elec-
11 tric vehicle batteries to be used for electric storage)
12 into residential and commercial buildings.

13 (b) TECHNICAL ASSISTANCE.—The Secretary shall
14 provide technical assistance to stakeholders representing
15 the building construction industry, manufacturers of elec-
16 tric vehicles and electric vehicle supply equipment, State
17 and local governments, and any other persons with rel-
18 evant expertise or interests to facilitate understanding of
19 the model code and best practices for adoption by jurisdic-
20 tions.

21 **SEC. 33336. ELECTRIC VEHICLE SUPPLY EQUIPMENT CO-**
22 **ORDINATION.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this Act, the Secretary, acting
25 through the Assistant Secretary of the Office of Electricity
26 Delivery and Energy Reliability (including the Smart Grid

1 Task Force), shall convene a group to assess progress in
2 the development of standards necessary to—

3 (1) support the expanded deployment of electric
4 vehicle supply equipment;

5 (2) develop an electric vehicle charging network
6 to provide reliable charging for electric vehicles na-
7 tionwide; and

8 (3) ensure the development of such network will
9 not compromise the stability and reliability of the
10 electric grid.

11 (b) REPORT TO CONGRESS.—Not later than 1 year
12 after the date of enactment of this Act, the Secretary shall
13 provide to the Committee on Energy and Commerce of the
14 House of Representatives and to the Committee on En-
15 ergy and Natural Resources of the Senate a report con-
16 taining the results of the assessment carried out under
17 subsection (a) and recommendations to overcome any bar-
18 riers to standards development or adoption identified by
19 the group convened under such subsection.

20 **SEC. 33337. STATE CONSIDERATION OF ELECTRIC VEHICLE**
21 **CHARGING.**

22 (a) CONSIDERATION AND DETERMINATION RESPECT-
23 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)
24 of the Public Utility Regulatory Policies Act of 1978 (16

1 U.S.C. 2621(d)) is amended by adding at the end the fol-
2 lowing:

3 “(20) ELECTRIC VEHICLE CHARGING PRO-
4 GRAMS.—

5 “(A) IN GENERAL.—Each State shall con-
6 sider measures to promote greater electrifica-
7 tion of the transportation sector, including—

8 “(i) authorizing measures to stimulate
9 investment in and deployment of electric
10 vehicle supply equipment and to foster the
11 market for electric vehicle charging;

12 “(ii) authorizing each electric utility
13 of the State to recover from ratepayers any
14 capital, operating expenditure, or other
15 costs of the electric utility relating to load
16 management, programs, or investments as-
17 sociated with the integration of electric ve-
18 hicle supply equipment into the grid; and

19 “(iii) allowing a person or agency that
20 owns and operates an electric vehicle
21 charging facility for the sole purpose of re-
22 charging an electric vehicle battery to be
23 excluded from regulation as an electric
24 utility pursuant to section 3(4) when mak-
25 ing electricity sales from the use of the

1 electric vehicle charging facility, if such
2 sales are the only sales of electricity made
3 by the person or agency.

4 “(B) DEFINITION.—For purposes of this
5 paragraph, the term ‘electric vehicle supply
6 equipment’ means conductors, including
7 ungrounded, grounded, and equipment ground-
8 ing conductors, electric vehicle connectors, at-
9 tachment plugs, and all other fittings, devices,
10 power outlets, or apparatuses installed specifi-
11 cally for the purpose of delivering energy to an
12 electric vehicle.”.

13 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

14 (1) TIME LIMITATIONS.—Section 112(b) of the
15 Public Utility Regulatory Policies Act of 1978 (16
16 U.S.C. 2622(b)) is amended by adding at the end
17 the following:

18 “(7)(A) Not later than 1 year after the enact-
19 ment of this paragraph, each State regulatory au-
20 thority (with respect to each electric utility for which
21 it has ratemaking authority) and each nonregulated
22 utility shall commence the consideration referred to
23 in section 111, or set a hearing date for consider-
24 ation, with respect to the standards established by
25 paragraph (20) of section 111(d).

1 “(B) Not later than 2 years after the date of
2 the enactment of this paragraph, each State regu-
3 latory authority (with respect to each electric utility
4 for which it has ratemaking authority), and each
5 nonregulated electric utility, shall complete the con-
6 sideration, and shall make the determination, re-
7 ferred to in section 111 with respect to each stand-
8 ard established by paragraph (20) of section
9 111(d).”.

10 (2) FAILURE TO COMPLY.—Section 112(c) of
11 the Public Utility Regulatory Policies Act of 1978
12 (16 U.S.C. 2622(c)) is amended by striking “(19)”
13 and inserting “(20)”.

14 (3) PRIOR STATE ACTIONS.—Section 112 of the
15 Public Utility Regulatory Policies Act of 1978 (16
16 U.S.C. 2622) is amended by adding at the end the
17 following:

18 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
19 (c) of this section shall not apply to the standard estab-
20 lished by paragraph (20) of section 111(d) in the case of
21 any electric utility in a State if, before the enactment of
22 this subsection—

23 “(1) the State has implemented for such utility
24 the standard concerned (or a comparable standard);

1 “(2) the State regulatory authority for such
2 State or relevant nonregulated electric utility has
3 conducted a proceeding to consider implementation
4 of the standard concerned (or a comparable stand-
5 ard) for such utility;

6 “(3) the State legislature has voted on the im-
7 plementation of such standard (or a comparable
8 standard) for such utility; or

9 “(4) the State has taken action to implement
10 incentives or other steps to strongly encourage the
11 deployment of electric vehicles.”.

12 **SEC. 33338. STATE ENERGY PLANS.**

13 (a) STATE ENERGY CONSERVATION PLANS.—Section
14 362(d) of the Energy Policy and Conservation Act (42
15 U.S.C. 6322(d)) is amended—

16 (1) in paragraph (16), by striking “; and” and
17 inserting a semicolon;

18 (2) by redesignating paragraph (17) as para-
19 graph (18); and

20 (3) by inserting after paragraph (16) the fol-
21 lowing:

22 “(17) a State energy transportation plan devel-
23 oped in accordance with section 367; and”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 365(f) of the Energy Policy and Conservation Act (42
3 U.S.C. 6325(f)) is amended to read as follows:

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) STATE ENERGY CONSERVATION PLANS.—

6 For the purpose of carrying out this part, there are
7 authorized to be appropriated \$100,000,000 for each
8 of fiscal years 2021 through 2025.

9 “(2) STATE ENERGY TRANSPORTATION
10 PLANS.—In addition to the amounts authorized
11 under paragraph (1), for the purpose of carrying out
12 section 367, there are authorized to be appropriated
13 \$25,000,000 for each of fiscal years 2021 through
14 2025.”.

15 (c) STATE ENERGY TRANSPORTATION PLANS.—Part
16 D of title III of the Energy Policy and Conservation Act
17 (42 U.S.C. 6321 et seq.) is amended by adding at the end
18 the following:

19 **“SEC. 367. STATE ENERGY TRANSPORTATION PLANS.**

20 “(a) IN GENERAL.—The Secretary may provide fi-
21 nancial assistance to a State to develop a State energy
22 transportation plan, for inclusion in a State energy con-
23 servation plan under section 362(d), to promote the elec-
24 trification of the transportation system, reduced consump-
25 tion of fossil fuels, and improved air quality.

1 “(b) DEVELOPMENT.—A State developing a State en-
2 ergy transportation plan under this section shall carry out
3 this activity through the State energy office that is respon-
4 sible for developing the State energy conservation plan
5 under section 362.

6 “(c) CONTENTS.—A State developing a State energy
7 transportation plan under this section shall include in such
8 plan a plan to—

9 “(1) deploy a network of electric vehicle supply
10 equipment to ensure access to electricity for electric
11 vehicles; and

12 “(2) promote modernization of the electric grid
13 to accommodate demand for power to operate elec-
14 tric vehicle supply equipment and to utilize energy
15 storage capacity provided by electric vehicles.

16 “(d) COORDINATION.—In developing a State energy
17 transportation plan under this section, a State shall co-
18 ordinate, as appropriate, with—

19 “(1) State regulatory authorities (as defined in
20 section 3 of the Public Utility Regulatory Policies
21 Act of 1978 (16 U.S.C. 2602));

22 “(2) electric utilities;

23 “(3) regional transmission organizations or
24 independent system operators;

1 “(4) private entities that provide electric vehicle
2 charging services;

3 “(5) State transportation agencies, metropoli-
4 tan planning organizations, and local governments;

5 “(6) electric vehicle manufacturers;

6 “(7) public and private entities that manage ve-
7 hicle fleets; and

8 “(8) public and private entities that manage
9 ports, airports, or other transportation hubs.

10 “(e) TECHNICAL ASSISTANCE.—Upon request of the
11 Governor of a State, the Secretary shall provide informa-
12 tion and technical assistance in the development, imple-
13 mentation, or revision of a State energy transportation
14 plan.

15 “(f) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-
16 FINED.—For purposes of this section, the term ‘electric
17 vehicle supply equipment’ means conductors, including
18 ungrounded, grounded, and equipment grounding conduc-
19 tors, electric vehicle connectors, attachment plugs, and all
20 other fittings, devices, power outlets, or apparatuses in-
21 stalled specifically for the purpose of delivering energy to
22 an electric vehicle.”.

23 **SEC. 33339. TRANSPORTATION ELECTRIFICATION.**

24 Section 131 of the Energy Independence and Security
25 Act of 2007 (42 U.S.C. 17011) is amended—

1 (1) in subsection (a)(6)—

2 (A) in subparagraph (A), by inserting “,
3 including ground support equipment at ports”
4 before the semicolon;

5 (B) in subparagraph (E), by inserting
6 “and vehicles” before the semicolon;

7 (C) in subparagraph (H), by striking
8 “and” at the end;

9 (D) in subparagraph (I)—

10 (i) by striking “battery chargers,”;

11 and

12 (ii) by striking the period at the end
13 and inserting a semicolon; and

14 (E) by adding at the end the following:

15 “(J) installation of electric vehicle supply
16 equipment for recharging plug-in electric drive
17 vehicles, including such equipment that is acces-
18 sible in rural and urban areas and in under-
19 served or disadvantaged communities; and

20 “(K) multi-use charging hubs used for
21 multiple forms of transportation.”;

22 (2) in subsection (b)—

23 (A) in paragraph (3)(A)—

24 (i) in clause (i), by striking “and” at
25 the end; and

1 (ii) in clause (ii), by inserting “, com-
2 ponents for such vehicles, and charging
3 equipment for such vehicles” after “vehi-
4 cles”; and

5 (B) in paragraph (6), by striking
6 “\$90,000,000 for each of fiscal years 2008
7 through 2012” and inserting “\$2,000,000,000
8 for each of fiscal years 2021 through 2025”;
9 (3) in subsection (c)—

10 (A) in the header, by striking “NEAR-
11 TERM” and inserting “LARGE-SCALE”; and

12 (B) in paragraph (4), by striking
13 “\$95,000,000 for each of fiscal years 2008
14 through 2013” and inserting “\$2,500,000,000
15 for each of fiscal years 2021 through 2025”;
16 and

17 (4) by redesignating subsection (d) as sub-
18 section (e) and inserting after subsection (c) the fol-
19 lowing:

20 “(d) PRIORITY.—In providing grants under sub-
21 sections (b) and (c), the Secretary shall give priority con-
22 sideration to applications that contain a written assurance
23 that all laborers and mechanics employed by contractors
24 or subcontractors during construction, alteration, or re-
25 pair that is financed, in whole or in part, by a grant pro-

1 vided under this section shall be paid wages at rates not
2 less than those prevailing on similar construction in the
3 locality, as determined by the Secretary of Labor in ac-
4 cordance with sections 3141 through 3144, 3146, and
5 3147 of title 40, United States Code (and the Secretary
6 of Labor shall, with respect to the labor standards de-
7 scribed in this clause, have the authority and functions
8 set forth in Reorganization Plan Numbered 14 of 1950
9 (5 U.S.C. App.) and section 3145 of title 40, United
10 States Code).”.

11 **SEC. 33340. FEDERAL FLEETS.**

12 (a) **MINIMUM FEDERAL FLEET REQUIREMENT.**—
13 Section 303 of the Energy Policy Act of 1992 (42 U.S.C.
14 13212) is amended—

15 (1) by striking subsection (b) and inserting the
16 following:

17 “(b) **PERCENTAGE REQUIREMENTS.**—

18 “(1) **IN GENERAL.**—

19 “(A) **LIGHT-DUTY VEHICLES.**—Beginning
20 in fiscal year 2025, 100 percent of the total
21 number of light-duty vehicles acquired by a
22 Federal entity for a Federal fleet shall be alter-
23 native fueled vehicles, of which—

1 “(i) at least 50 percent shall be zero
2 emission vehicles or plug-in hybrids in fis-
3 cal years 2025 through 2034;

4 “(ii) at least 75 percent shall be zero
5 emission vehicles or plug-in hybrids in fis-
6 cal years 2035 through 2049; and

7 “(iii) 100 percent shall be zero emis-
8 sion vehicles in fiscal year 2050 and there-
9 after.

10 “(B) MEDIUM- AND HEAVY-DUTY VEHI-
11 CLES.—The following percentages of the total
12 number of medium- and heavy-duty vehicles ac-
13 quired by a Federal entity for a Federal fleet
14 shall be alternative fueled vehicles:

15 “(i) At least 20 percent in fiscal years
16 2025 through 2029.

17 “(ii) At least 30 percent in fiscal
18 years 2030 through 2039.

19 “(iii) At least 40 percent in fiscal
20 years 2040 through 2049.

21 “(iv) At least 50 percent in fiscal year
22 2050 and thereafter.

23 “(2) EXCEPTION.—The Secretary, in consulta-
24 tion with the Administrator of General Services
25 where appropriate, may permit a Federal entity to

1 acquire for a Federal fleet a smaller percentage than
2 is required in paragraph (1) for a fiscal year, so long
3 as the aggregate percentage acquired for each class
4 of vehicle for all Federal fleets in the fiscal year is
5 at least equal to the required percentage.

6 “(3) DEFINITIONS.—In this subsection:

7 “(A) FEDERAL FLEET.—The term ‘Fed-
8 eral fleet’ means a fleet of vehicles that are cen-
9 trally fueled or capable of being centrally fueled
10 and are owned, operated, leased, or otherwise
11 controlled by or assigned to any Federal execu-
12 tive department, military department, Govern-
13 ment corporation, independent establishment,
14 or executive agency, the United States Postal
15 Service, the Congress, the courts of the United
16 States, or the Executive Office of the President.
17 Such term does not include—

18 “(i) motor vehicles held for lease or
19 rental to the general public;

20 “(ii) motor vehicles used for motor ve-
21 hicle manufacturer product evaluations or
22 tests;

23 “(iii) law enforcement vehicles;

24 “(iv) emergency vehicles; or

1 “(v) motor vehicles acquired and used
2 for military purposes that the Secretary of
3 Defense has certified to the Secretary must
4 be exempt for national security reasons.

5 “(B) FLEET.—The term ‘fleet’ means—

6 “(i) 20 or more light-duty vehicles, lo-
7 cated in a metropolitan statistical area or
8 consolidated metropolitan statistical area,
9 as established by the Bureau of the Cen-
10 sus, with a 1980 population of more than
11 250,000; or

12 “(ii) 10 or more medium- or heavy-
13 duty vehicles, located at a Federal facility
14 or located in a metropolitan statistical area
15 or consolidated metropolitan statistical
16 area, as established by the Bureau of the
17 Census, with a 1980 population of more
18 than 250,000.”; and

19 (2) in subsection (f)(2)(B)—

20 (A) by striking “, either”; and

21 (B) in clause (i), by striking “or” and in-
22 serting “and”.

23 (b) FEDERAL FLEET CONSERVATION REQUIRE-
24 MENTS.—Section 400FF(a) of the Energy Policy and
25 Conservation Act (42 U.S.C. 6374e) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “18 months after the date
3 of enactment of this section” and inserting “12
4 months after the date of enactment of the Mov-
5 ing Forward Act”;

6 (B) by striking “2010” and inserting
7 “2022”; and

8 (C) by striking “and increase alternative
9 fuel consumption” and inserting “, increase al-
10 ternative fuel consumption, and reduce vehicle
11 greenhouse gas emissions”; and

12 (2) by striking paragraph (2) and inserting the
13 following:

14 “(2) GOALS.—The goals of the requirements
15 under paragraph (1) are that each Federal agency
16 shall—

17 “(A) reduce fleet-wide per-mile greenhouse
18 gas emissions from agency fleet vehicles, rel-
19 ative to a baseline of emissions in 2015, by—

20 “(i) not less than 30 percent by the
21 end of fiscal year 2025;

22 “(ii) not less than 50 percent by the
23 end of fiscal year 2030; and

24 “(iii) 100 percent by the end of fiscal
25 year 2050; and

1 “(B) increase the annual percentage of al-
2 ternative fuel consumption by agency fleet vehi-
3 cles as a proportion of total annual fuel con-
4 sumption by Federal fleet vehicles, to achieve—

5 “(i) 25 percent of total annual fuel
6 consumption that is alternative fuel by the
7 end of fiscal year 2025;

8 “(ii) 50 percent of total annual fuel
9 consumption that is alternative fuel by the
10 end of fiscal year 2035; and

11 “(iii) at least 85 percent of total an-
12 nual fuel consumption that is alternative
13 fuel by the end of fiscal year 2050.”.

14 **SEC. 33341. DOMESTIC MANUFACTURING CONVERSION**
15 **GRANT PROGRAM.**

16 (a) HYBRID VEHICLES, ADVANCED VEHICLES, AND
17 FUEL CELL BUSES.—Subtitle B of title VII of the Energy
18 Policy Act of 2005 (42 U.S.C. 16061 et seq.) is amend-
19 ed—

20 (1) in the subtitle header, by inserting “**Plug-**
21 **In Electric Vehicles,**” before “**Hybrid Vehi-**
22 **cles**”; and

23 (2) in part 1, in the part header, by striking
24 “**HYBRID**” and inserting “**PLUG-IN ELECTRIC**”.

1 (b) PLUG-IN ELECTRIC VEHICLES.—Section 711 of
2 the Energy Policy Act of 2005 (42 U.S.C. 16061) is
3 amended to read as follows:

4 **“SEC. 711. PLUG-IN ELECTRIC VEHICLES.**

5 “The Secretary shall accelerate efforts, related to do-
6 mestic manufacturing, that are directed toward the im-
7 provement of batteries, power electronics, and other tech-
8 nologies for use in plug-in electric vehicles.”.

9 (c) EFFICIENT HYBRID AND ADVANCED DIESEL VE-
10 HICLES.—Section 712 of the Energy Policy Act of 2005
11 (42 U.S.C. 16062) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by inserting “, plug-
14 in electric,” after “efficient hybrid”; and

15 (B) by amending paragraph (3) to read as
16 follows:

17 “(3) PRIORITY.—Priority shall be given to—

18 “(A) the refurbishment or retooling of
19 manufacturing facilities that have recently
20 ceased operation or would otherwise cease oper-
21 ation in the near future; and

22 “(B) applications containing a written as-
23 surance that—

24 “(i) all laborers and mechanics em-
25 ployed by contractors or subcontractors

1 during construction, alteration, retooling,
2 or repair that is financed, in whole or in
3 part, by a grant under this subsection shall
4 be paid wages at rates not less than those
5 prevailing on similar construction in the lo-
6 cality, as determined by the Secretary of
7 Labor in accordance with sections 3141
8 through 3144, 3146, and 3147 of title 40,
9 United States Code;

10 “(ii) all laborers and mechanics em-
11 ployed by the owner or operator of a man-
12 ufacturing facility that is financed, in
13 whole or in part, by a grant under this
14 subsection shall be paid wages at rates not
15 less than those prevailing on similar con-
16 struction in the locality, as determined by
17 the Secretary of Labor in accordance with
18 sections 3141 through 3144, 3146, and
19 3147 of title 40, United States Code; and

20 “(iii) the Secretary of Labor shall,
21 with respect to the labor standards de-
22 scribed in this paragraph, have the author-
23 ity and functions set forth in Reorganiza-
24 tion Plan Numbered 14 of 1950 (5 U.S.C.

1 App.) and section 3145 of title 40, United
2 States Code.”; and

3 (2) by striking subsection (c) and inserting the
4 following:

5 “(c) COST SHARE AND GUARANTEE OF OPER-
6 ATION.—

7 “(1) CONDITION.—A recipient of a grant under
8 this section shall pay the Secretary the full amount
9 of the grant if the facility financed in whole or in
10 part under this subsection fails to manufacture
11 goods for a period of at least 10 years after the com-
12 pletion of construction.

13 “(2) COST SHARE.—Section 988(c) shall apply
14 to a grant made under this subsection.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to the Secretary to carry
17 out this section \$2.5 billion for each of fiscal years 2021
18 through 2025.

19 “(e) PERIOD OF AVAILABILITY.—An award made
20 under this section after the date of enactment of this sub-
21 section shall only be available with respect to facilities and
22 equipment placed in service before December 30, 2035.”.

1 **SEC. 33342. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**
2 **TURING INCENTIVE PROGRAM.**

3 Section 136 of the Energy Independence and Security
4 Act of 2007 (42 U.S.C. 17013) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by redesignating subparagraphs
8 (A) through (C) as clauses (i) through
9 (iii), respectively, and indenting appro-
10 priately;

11 (ii) by striking “(1) ADVANCED TECH-
12 NOLOGY VEHICLE.—” and all that follows
13 through “meets—” and inserting the fol-
14 lowing:

15 “(1) ADVANCED TECHNOLOGY VEHICLE.—The
16 term ‘advanced technology vehicle’ means—

17 “(A) an ultra efficient vehicle;

18 “(B) a light duty vehicle or medium duty
19 passenger vehicle that meets—”;

20 (iii) by amending subparagraph
21 (B)(iii) (as so redesignated) to read as fol-
22 lows:

23 “(iii)(I) for vehicles produced in model
24 years 2021 through 2025, the applicable
25 regulatory standards for emissions of
26 greenhouse gases for model year 2021

1 through 2025 vehicles promulgated by the
2 Administrator of the Environmental Pro-
3 tection Agency on October 15, 2012 (77
4 Fed. Reg. 62624); or

5 “(II) emits zero emissions of green-
6 house gases; or”; and

7 (iv) by adding at the end the fol-
8 lowing:

9 “(C) a heavy-duty vehicle (excluding a me-
10 dium-duty passenger vehicle), as defined in sec-
11 tion 86.1803–01 of title 40, Code of Federal
12 Regulations (or successor regulations), that—

13 “(i) complies early with and dem-
14 onstrates achievement below the applicable
15 regulatory standards for emissions of
16 greenhouse gases for model year 2027 ve-
17 hicles promulgated by the Administrator
18 on October 25, 2016 (81 Fed. Reg.
19 73478); or

20 “(ii) emits zero emissions of green-
21 house gases.”;

22 (B) by striking paragraph (2) and redesign-
23 ating paragraphs (3) through (5) as para-
24 graphs (2) through (4), respectively;

1 (C) by amending paragraph (3) (as so re-
2 designated) to read as follows:

3 “(4) QUALIFYING COMPONENTS.—The term
4 ‘qualifying components’ means materials, technology,
5 components, systems, or groups of subsystems in an
6 advanced technology vehicle, including ultra efficient
7 components, which include—

8 “(A) EV battery cells, fuel cells, batteries,
9 battery technologies, and thermal control sys-
10 tems;

11 “(B) automotive semiconductors and com-
12 puters;

13 “(C) electric motors, axles, and compo-
14 nents; and

15 “(D) advanced lightweight, high strength,
16 and high performance materials.”; and

17 (D) in paragraph (4) (as so redesign-
18 nated)—

19 (i) in subparagraph (B), by striking
20 “or” at the end;

21 (ii) in subparagraph (C), by striking
22 the period at the end and inserting “; or”;
23 and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(D) at least 75 miles per gallon equiva-
2 lent while operating as a hydrogen fuel cell elec-
3 tric vehicle.”;

4 (2) by amending subsection (b) to read as fol-
5 lows:

6 “(b) **ADVANCED VEHICLES MANUFACTURING FACIL-**
7 **ITY.—**

8 “(1) **IN GENERAL.—**The Secretary shall provide
9 facility funding awards under this section to ad-
10 vanced technology vehicle manufacturers and compo-
11 nent suppliers to pay not more than 50 percent of
12 the cost of—

13 “(A) reequipping, expanding, or estab-
14 lishing a manufacturing facility in the United
15 States to produce—

16 “(i) advanced technology vehicles; or

17 “(ii) qualifying components; and

18 “(B) engineering integration performed in
19 the United States of advanced technology vehi-
20 cles and qualifying components.

21 “(2) **ULTRA EFFICIENT COMPONENTS COST**
22 **SHARE.—**The facility funding awards authorized in
23 paragraph (1) may pay not more than 80 percent of
24 the cost if the proposed project is to reequip, ex-
25 pand, or establish a manufacturing facility in the

1 United States to produce ultra efficient compo-
2 nents.”;

3 (3) in subsection (c), by striking “2020” and
4 inserting “2030” each place it appears;

5 (4) in subsection (d)—

6 (A) by amending paragraph (2) to read as
7 follows:

8 “(2) APPLICATION.—An applicant for a loan
9 under this subsection shall submit to the Secretary
10 an application at such time, in such manner, and
11 containing such information as the Secretary may
12 require, including—

13 “(A) a written assurance that—

14 “(i) all laborers and mechanics em-
15 ployed by contractors or subcontractors
16 during construction, alteration, or repair,
17 or at any manufacturing operation, that is
18 financed, in whole or in part, by a loan
19 under this section shall be paid wages at
20 rates not less than those prevailing in a
21 similar firm or on similar construction in
22 the locality, as determined by the Sec-
23 retary of Labor in accordance with sections
24 3141–3144, 3146, and 3147 of title 40;

1 “(ii) the Secretary of Labor shall,
2 with respect to the labor standards de-
3 scribed in this paragraph, have the author-
4 ity and functions set forth in Reorganiza-
5 tion Plan Numbered 14 of 1950 (5 U.S.C.
6 App.) and section 3145 of title 40; and

7 “(iii) the applicant will remain neutral
8 in any union organizing effort;

9 “(B) a disclosure of whether there has
10 been any administrative merits determination,
11 arbitral award or decision, or civil judgment, as
12 defined in guidance issued by the Secretary of
13 Labor, rendered against the applicant in the
14 preceding 3 years for violations of applicable
15 labor, employment, civil rights, or health and
16 safety laws; and

17 “(C) specific information regarding the ac-
18 tions the applicant will take to demonstrate
19 compliance with, and where possible exceedance
20 of, requirements under applicable labor, employ-
21 ment, civil rights, and health and safety laws,
22 and actions the applicant will take to ensure
23 that its direct suppliers demonstrate compliance
24 with applicable labor, employment, civil rights,
25 and health and safety laws.”;

1 (B) by amending paragraph (3) to read as
2 follows:

3 “(3) SELECTION OF ELIGIBLE PROJECTS.—The
4 Secretary shall select eligible projects to receive
5 loans under this subsection in cases in which the
6 Secretary determines—

7 “(A) the award recipient—

8 “(i) has a reasonable prospect of re-
9 paying the principal and interest on the
10 loan;

11 “(ii) will provide sufficient informa-
12 tion to the Secretary for the Secretary to
13 ensure that the qualified investment is ex-
14 pended efficiently and effectively; and

15 “(ii) has met such other criteria as
16 may be established and published by the
17 Secretary; and

18 “(B) the amount of the loan (when com-
19 bined with amounts available to the borrower
20 from other sources) will be sufficient to carry
21 out the project.”; and

22 (C) in paragraph (4)—

23 (i) in subparagraph (B)(i), by striking
24 “; and” and inserting “; or”;

1 (ii) in subparagraph (C), by striking
2 “; and” and inserting a semicolon;

3 (iii) in subparagraph (D), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iv) by adding at the end the fol-
7 lowing:

8 “(E) shall be subject to the condition that
9 the loan is not subordinate to other financing.”;

10 (5) in subsection (f)—

11 (A) by striking “point” and inserting
12 “points”; and

13 (B) by inserting “and may not be collected
14 prior to financial closing” after “loan”;

15 (6) by amending subsection (g) to read as fol-
16 lows:

17 “(g) PRIORITY.—The Secretary shall, in making
18 awards or loans to those manufacturers that have existing
19 facilities, give priority to those facilities, which can cur-
20 rently be sitting idle, that are or would be—

21 “(1) oldest or have been in existence for at least
22 20 years;

23 “(2) utilized primarily for the manufacture of
24 ultra efficient vehicles;

1 “(3) utilized primarily for the manufacture of
2 medium-duty passenger vehicles or heavy-duty vehi-
3 cles that emit zero greenhouse gas emissions; or

4 “(4) utilized primarily for the manufacture of
5 ultra efficient components.”;

6 (7) in subsection (h)—

7 (A) in the header, by striking “AUTO-
8 MOBILE” and inserting “ADVANCED TECH-
9 NOLOGY VEHICLE”; and

10 (B) in paragraph (1)(B), by striking
11 “automobiles, or components of automobiles”
12 and inserting “advanced technology vehicles, or
13 components of advanced technology vehicles”;
14 and

15 (8) in subsection (i), by striking “2008 through
16 2012” and inserting “2021 through 2025”.

17 **Subtitle D—Buy American and**
18 **Wage Rate Requirements**

19 **SEC. 33401. USE OF AMERICAN IRON, STEEL, AND MANU-**
20 **FACTURED GOODS.**

21 (a) None of the funds made available pursuant to this
22 title, or provisions of law added or amended by this title,
23 may be used for a project for the construction, alteration,
24 maintenance, or repair of a public building or public work

1 unless all of the iron, steel, and manufactured goods used
2 in the project are produced in the United States.

3 (b) Subsection (a) shall not apply in any case or cat-
4 egory of cases in which the head of the Federal depart-
5 ment or agency involved finds that—

6 (1) applying subsection (a) would be incon-
7 sistent with the public interest;

8 (2) iron, steel, and the relevant manufactured
9 goods are not produced in the United States in suffi-
10 cient and reasonably available quantities and of a
11 satisfactory quality; or

12 (3) inclusion of iron, steel, and manufactured
13 goods produced in the United States will increase
14 the cost of the overall project by more than 25 per-
15 cent.

16 (c) If the head of a Federal department or agency
17 determines that it is necessary to waive the application
18 of subsection (a) based on a finding under subsection (b),
19 the head of the department or agency shall publish in the
20 Federal Register a detailed written justification as to why
21 the provision is being waived.

22 (d) This section shall be applied in a manner con-
23 sistent with United States obligations under international
24 agreements.

1 **SEC. 33402. WAGE RATE REQUIREMENTS.**

2 Notwithstanding any other provision of law and in
3 a manner consistent with other provisions in this title, all
4 laborers and mechanics employed by contractors and sub-
5 contractors on projects funded directly by or assisted in
6 whole or in part by and through the Federal Government
7 pursuant to this title, or provisions of law added or amend-
8 ed by this title, shall be paid wages at rates not less than
9 those prevailing on projects of a character similar in the
10 locality as determined by the Secretary of Labor in accord-
11 ance with subchapter IV of chapter 31 of title 40, United
12 States Code. With respect to the labor standards specified
13 in this section, the Secretary of Labor shall have the au-
14 thority and functions set forth in Reorganization Plan
15 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and
16 section 3145 of title 40, United States Code.

17 **TITLE IV—HEALTH CARE**
18 **INFRASTRUCTURE**

19 **SEC. 34101. HOSPITAL INFRASTRUCTURE.**

20 (a) IN GENERAL.—Section 1610(a) of the Public
21 Health Service Act (42 U.S.C. 300r(a)) is amended—

22 (1) in paragraph (1)(A)—

23 (A) in clause (i), by striking “or” at the
24 end; and

25 (B) in clause (ii), by striking the period at
26 the end and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(iii) increase capacity and update hospitals
3 and other medical facilities in order to better serve
4 communities in need.”; and

5 (2) by striking paragraph (3) and inserting the
6 following paragraphs:

7 “(3) PRIORITY.—In awarding grants under this sub-
8 section, the Secretary shall give priority to applicants
9 whose projects will include, by design, public health emer-
10 gency preparedness or cybersecurity against cyber threats.

11 “(4) AMERICAN IRON AND STEEL PRODUCTS.—

12 “(A) IN GENERAL.—As a condition on receipt
13 of a grant under this subsection for a project, an en-
14 tity shall ensure that all of the iron and steel prod-
15 ucts used in the project are produced in the United
16 States.

17 “(B) APPLICATION.—Subparagraph (A) shall
18 be waived in any case or category of cases in which
19 the Secretary finds that—

20 “(i) applying subparagraph (A) would be
21 inconsistent with the public interest;

22 “(ii) iron and steel products are not pro-
23 duced in the United States in sufficient and
24 reasonably available quantities and of a satis-
25 factory quality; or

1 “(iii) inclusion of iron and steel products
2 produced in the United States will increase the
3 cost of the overall project by more than 25 per-
4 cent.

5 “(C) WAIVER.—If the Secretary receives a re-
6 quest for a waiver under this paragraph, the Sec-
7 retary shall make available to the public, on an in-
8 formal basis, a copy of the request and information
9 available to the Secretary concerning the request,
10 and shall allow for informal public input on the re-
11 quest for at least 15 days prior to making a finding
12 based on the request. The Secretary shall make the
13 request and accompanying information available by
14 electronic means, including on the official public
15 internet site of the Department of Health and
16 Human Services.

17 “(D) INTERNATIONAL AGREEMENTS.—This
18 paragraph shall be applied in a manner consistent
19 with United States obligations under international
20 agreements.

21 “(E) MANAGEMENT AND OVERSIGHT.—The
22 Secretary may retain up to 0.25 percent of the funds
23 appropriated for this subsection for management
24 and oversight of the requirements of this paragraph.

1 “(F) EFFECTIVE DATE.—This paragraph does
2 not apply with respect to a project if a State agency
3 approves the engineering plans and specifications for
4 the project, in that agency’s capacity to approve
5 such plans and specifications prior to a project re-
6 questing bids, prior to the date of enactment of this
7 paragraph.

8 “(5) ENERGY EFFICIENCY.—

9 “(A) IN GENERAL.—As a condition on receipt
10 of a grant under this subsection for a project, a
11 grant recipient shall ensure that the project in-
12 creases—

13 “(i) energy efficiency;

14 “(ii) energy resilience; or

15 “(iii) the use of renewable energy.

16 “(B) APPLICATION.—Subparagraph (A) shall
17 be waived in any case or category of cases in which
18 the Secretary finds that applying subparagraph
19 (A)—

20 “(i) would be inconsistent with the public
21 interest; or

22 “(ii) will increase the cost of the overall
23 project by more than 25 percent.

24 “(C) WAIVER.—If the Secretary receives a re-
25 quest for a waiver under this paragraph, the Sec-

1 retary shall make available to the public, on an in-
2 formal basis, a copy of the request and information
3 available to the Secretary concerning the request,
4 and shall allow for informal public input on the re-
5 quest for at least 15 days prior to making a finding
6 based on the request. The Secretary shall make the
7 request and accompanying information available by
8 electronic means, including on the official public
9 internet site of the Department of Health and
10 Human Services.

11 “(D) MANAGEMENT AND OVERSIGHT.—The
12 Secretary may retain up to 0.25 percent of the funds
13 appropriated for this subsection for management
14 and oversight of the requirements of this paragraph.

15 “(E) EFFECTIVE DATE.—This paragraph does
16 not apply with respect to a project if a State agency
17 approves the engineering plans and specifications for
18 the project, in that agency’s capacity to approve
19 such plans and specifications prior to a project re-
20 questing bids, prior to the date of enactment of this
21 paragraph.

22 “(6) AUTHORIZATION OF APPROPRIATIONS.—To
23 carry out this subsection, there is authorized to be appro-
24 priated \$2,000,000,000 for each of fiscal years 2021
25 through 2025.”.

1 (b) TECHNICAL UPDATE.—Section 1610(b) of the
2 Public Health Service Act (42 U.S.C. 300r(b)) is amended
3 by striking paragraph (3).

4 **SEC. 34102. COMMUNITY HEALTH CENTER CAPITAL**
5 **PROJECT FUNDING.**

6 Section 10503 of the Patient Protection and Afford-
7 able Care Act (42 U.S.C. 254b–2) is amended by striking
8 subsection (c) and inserting the following:

9 “(c) CAPITAL PROJECTS.—

10 “(1) IN GENERAL.—There is authorized to be
11 appropriated to the CHC Fund to be transferred to
12 the Secretary of Health and Human Services for
13 capital projects of the community health center pro-
14 gram under section 330 of the Public Health Service
15 Act, \$10,000,000,000 for the period of fiscal years
16 2021 through 2025.

17 “(2) EXPEDITED AWARDS.—The Secretary of
18 Health and Human Services shall take such steps as
19 may be necessary to expedite the award of grants for
20 capital projects pursuant to paragraph (1) and en-
21 sure that some such awards are made during fiscal
22 year 2021.

23 “(3) ENERGY EFFICIENCY.—

24 “(A) IN GENERAL.—As a condition on re-
25 ceipt of a grant for a capital project pursuant

1 to paragraph (1), a grant recipient shall ensure
2 that the capital project increases—

3 “(i) energy efficiency;

4 “(ii) energy resilience; or

5 “(iii) the use of renewable energy.

6 “(B) APPLICATION.—Subparagraph (A)
7 shall be waived in any case or category of cases
8 in which the Secretary finds that applying sub-
9 paragraph (A)—

10 “(i) would be inconsistent with the
11 public interest; or

12 “(ii) will increase the cost of the over-
13 all project by more than 25 percent.

14 “(C) WAIVER.—If the Secretary receives a
15 request for a waiver under this subsection, the
16 Secretary shall make available to the public, on
17 an informal basis, a copy of the request and in-
18 formation available to the Secretary concerning
19 the request, and shall allow for informal public
20 input on the request for at least 15 days prior
21 to making a finding based on the request. The
22 Secretary shall make the request and accom-
23 panying information available by electronic
24 means, including on the official public internet

1 site of the Department of Health and Human
2 Services.

3 “(D) MANAGEMENT AND OVERSIGHT.—
4 The Secretary may retain up to 0.25 percent of
5 the funds appropriated for this subsection for
6 management and oversight of the requirements
7 of this paragraph.

8 “(E) EFFECTIVE DATE.—This paragraph
9 does not apply with respect to a capital project
10 if a State agency approves the engineering
11 plans and specifications for the capital project,
12 in that agency’s capacity to approve such plans
13 and specifications prior to a project requesting
14 bids, prior to the date of enactment of this
15 paragraph.”.

16 **SEC. 34103. PILOT PROGRAM TO IMPROVE LABORATORY IN-**
17 **FRAStructure.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services shall award grants to States and political
20 subdivisions of States to support the improvement, renova-
21 tion, or modernization of infrastructure at clinical labora-
22 tories (as defined in section 353 of the Public Health Serv-
23 ice Act (42 U.S.C. 263a)) that will help to improve SARS-
24 CoV-2 and COVID-19 testing and response activities, in-

1 cluding the expansion and enhancement of testing capacity
2 at such laboratories.

3 (b) ENERGY EFFICIENCY.—

4 (1) IN GENERAL.—As a condition on receipt of
5 a grant under this section for a project, a grant re-
6 cipient shall ensure that the project increases—

7 (A) energy efficiency;

8 (B) energy resilience; or

9 (C) the use of renewable energy.

10 (2) APPLICATION.—Paragraph (1) shall be
11 waived in any case or category of cases in which the
12 Secretary finds that applying paragraph (1)—

13 (A) would be inconsistent with the public
14 interest; or

15 (B) will increase the cost of the overall
16 project by more than 25 percent.

17 (3) WAIVER.—If the Secretary receives a re-
18 quest for a waiver under this subsection, the Sec-
19 retary shall make available to the public, on an in-
20 formal basis, a copy of the request and information
21 available to the Secretary concerning the request,
22 and shall allow for informal public input on the re-
23 quest for at least 15 days prior to making a finding
24 based on the request. The Secretary shall make the
25 request and accompanying information available by

1 electronic means, including on the official public
2 internet site of the Department of Health and
3 Human Services.

4 (4) MANAGEMENT AND OVERSIGHT.—The Sec-
5 retary may retain up to 0.25 percent of the funds
6 appropriated for this section for management and
7 oversight of the requirements of this subsection.

8 (5) EFFECTIVE DATE.—This subsection does
9 not apply with respect to a project if a State agency
10 approves the engineering plans and specifications for
11 the project, in that agency's capacity to approve
12 such plans and specifications prior to a project re-
13 questing bids, prior to the date of enactment of this
14 subsection.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
16 out this section, there is authorized to be appropriated
17 \$4,500,000,000 for the period of fiscal years 2021
18 through 2025.

19 **SEC. 34104. 21ST CENTURY INDIAN HEALTH PROGRAM HOS-**
20 **PITALS AND OUTPATIENT HEALTH CARE FA-**
21 **CILITIES.**

22 The Indian Health Care Improvement Act is amend-
23 ed by inserting after section 301 of such Act (25 U.S.C.
24 1631) the following:

1 **“SEC. 301A. ADDITIONAL FUNDING FOR PLANNING, DESIGN,**
2 **CONSTRUCTION, MODERNIZATION, AND REN-**
3 **OVATION OF HOSPITALS AND OUTPATIENT**
4 **HEALTH CARE FACILITIES.**

5 “(a) **ADDITIONAL FUNDING.**—For the purpose de-
6 scribed in subsection (b), in addition to any other funds
7 available for such purpose, there is authorized to be appro-
8 priated \$5,000,000,000 for the period of fiscal years 2021
9 through 2025.

10 “(b) **PURPOSE.**—The purpose described in this sub-
11 section is the planning, design, construction, moderniza-
12 tion, and renovation of hospitals and outpatient health
13 care facilities that are funded, in whole or part, by the
14 Service through, or provided for in, a contract or compact
15 with the Service under the Indian Self-Determination and
16 Education Assistance Act (25 U.S.C. 5301 et seq.), in-
17 cluding to address COVID-19 and other subsequent public
18 health crises.

19 “(b) **ENERGY EFFICIENCY.**—

20 “(1) **IN GENERAL.**—As a condition on receipt of
21 funding under this section for a project, the recipi-
22 ent of such funding shall ensure that the project in-
23 creases—

24 “(A) energy efficiency;

25 “(B) energy resilience; or

26 “(C) the use of renewable energy.

1 “(2) APPLICATION.—Paragraph (1) shall be
2 waived in any case or category of cases in which the
3 Secretary finds that applying paragraph (1)—

4 “(A) would be inconsistent with the public
5 interest; or

6 “(B) will increase the cost of the overall
7 project by more than 25 percent.

8 “(3) WAIVER.—If the Secretary receives a re-
9 quest for a waiver under this subsection, the Sec-
10 retary shall make available to the public, on an in-
11 formal basis, a copy of the request and information
12 available to the Secretary concerning the request,
13 and shall allow for informal public input on the re-
14 quest for at least 15 days prior to making a finding
15 based on the request. The Secretary shall make the
16 request and accompanying information available by
17 electronic means, including on the official public
18 internet site of the Department of Health and
19 Human Services.

20 “(4) MANAGEMENT AND OVERSIGHT.—The Sec-
21 retary may retain up to 0.25 percent of the funds
22 appropriated for this section for management and
23 oversight of the requirements of this subsection.

24 “(5) EFFECTIVE DATE.—This subsection does
25 not apply with respect to a project if a State agency

1 approves the engineering plans and specifications for
2 the project, in that agency's capacity to approve
3 such plans and specifications prior to a project re-
4 questing bids, prior to the date of enactment of this
5 subsection.”.

6 **SEC. 34105. PILOT PROGRAM TO IMPROVE COMMUNITY-**
7 **BASED CARE INFRASTRUCTURE.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services may award grants to qualified teaching
10 health centers (as defined in section 340H of the Public
11 Health Service Act (42 U.S.C. 256h)) and behavioral
12 health care centers (as defined by the Secretary, to include
13 both substance abuse and mental health care facilities) to
14 support the improvement, renovation, or modernization of
15 infrastructure at such centers, including to address
16 COVID-19 and other subsequent public health crises.

17 (b) ENERGY EFFICIENCY.—

18 (1) IN GENERAL.—As a condition on receipt of
19 a grant under this section for a project, a grant re-
20 cipient shall ensure that the project increases—

21 (A) energy efficiency;

22 (B) energy resilience; or

23 (C) the use of renewable energy.

1 (2) APPLICATION.—Paragraph (1) shall be
2 waived in any case or category of cases in which the
3 Secretary finds that applying paragraph (1)—

4 (A) would be inconsistent with the public
5 interest; or

6 (B) will increase the cost of the overall
7 project by more than 25 percent.

8 (3) WAIVER.—If the Secretary receives a re-
9 quest for a waiver under this subsection, the Sec-
10 retary shall make available to the public, on an in-
11 formal basis, a copy of the request and information
12 available to the Secretary concerning the request,
13 and shall allow for informal public input on the re-
14 quest for at least 15 days prior to making a finding
15 based on the request. The Secretary shall make the
16 request and accompanying information available by
17 electronic means, including on the official public
18 internet site of the Department of Health and
19 Human Services.

20 (4) MANAGEMENT AND OVERSIGHT.—The Sec-
21 retary may retain up to 0.25 percent of the funds
22 appropriated for this section for management and
23 oversight of the requirements of this subsection.

24 (5) EFFECTIVE DATE.—This subsection does
25 not apply with respect to a project if a State agency

1 approves the engineering plans and specifications for
2 the project, in that agency's capacity to approve
3 such plans and specifications prior to a project re-
4 questing bids, prior to the date of enactment of this
5 subsection.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
7 out this section, there is authorized to be appropriated
8 \$500,000,000, to remain available until expended.

9 **DIVISION H—ADDITIONAL**
10 **PROGRAMS**

11 **SEC. 40001. NATIONAL SCENIC BYWAYS PROGRAM.**

12 There are authorized to be appropriated out of the
13 general fund of the Treasury, for the national scenic by-
14 ways program under section 162 of title 23, United States
15 Code—

- 16 (1) \$55,000,000 for fiscal year 2021;
17 (2) \$60,000,000 for fiscal year 2022;
18 (3) \$65,000,000 for fiscal year 2023;
19 (4) \$70,000,000 for fiscal year 2024; and
20 (5) \$75,000,000 for fiscal year 2025.

1 **DIVISION I—ZERO-EMISSION**
2 **POSTAL FLEET AND OTHER**
3 **MATTERS**

4 **SEC. 50001. AUTHORIZATION OF APPROPRIATION FOR**
5 **UNITED STATES POSTAL SERVICE FOR MOD-**
6 **ERNIZATION OF POSTAL INFRASTRUCTURE.**

7 There is authorized to be appropriated to the United
8 States Postal Service for the modernization of postal in-
9 frastructure and operations, including through capital ex-
10 penditures to purchase delivery vehicles, processing equip-
11 ment, and other goods, \$25,000,000,000, to remain avail-
12 able until expended. Of the amount authorized to be ap-
13 propriated under this subsection, \$6,000,000,000 shall be
14 for the purchase of vehicles. Any amount appropriated
15 under this subsection shall be deposited into the Postal
16 Service Fund established under section 2003 of title 39,
17 United States Code.

18 **SEC. 50002. ELECTRIC OR ZERO-EMISSION VEHICLES FOR**
19 **UNITED STATES POSTAL SERVICE FLEET.**

20 (a) IN GENERAL.—Any next generation delivery vehi-
21 cle purchased by the United States Postal Service using
22 the funds appropriated under section 50001 shall, to the
23 greatest extent practicable, be an electric or zero-emission
24 vehicle, and the Postal Service shall ensure that at least
25 75 percent of the total number of vehicles purchased using

1 such funds shall be electric or zero emission vehicles. In
2 this subsection, the term “next generation delivery vehi-
3 cle” means a vehicle purchased to replace a right-hand-
4 drive, long-life vehicle in use by the Postal Service.

5 (b) MEDIUM AND HEAVY-DUTY VEHICLES.—

6 (1) DATE OF ENACTMENT AND 2030.—Between
7 the period beginning on the date of enactment of
8 this Act and ending on December 31, 2029, not less
9 than 50 percent of the total number of new medium
10 or heavy-duty vehicles purchased by the Postal Serv-
11 ice during such period shall be electric or zero-emis-
12 sion vehicles.

13 (2) AFTER 2039.—Beginning on January 1,
14 2040, the Postal Service may not purchase any new
15 medium or heavy-duty vehicle that is not an electric
16 or zero-emission vehicle.

17 (c) COMPLIANCE.—In carrying out subsections (a)
18 and (b), the Postal Service shall comply with chapter 83
19 of title 41, United States Code (popularly known as the
20 Buy American Act) and any applicable Federal labor or
21 civil rights laws.

22 (d) CHARGING STATIONS.—

23 (1) IN GENERAL.—Not later than January 1,
24 2026, the Postal Service shall provide, at each postal
25 facility accessible to the public, not less than 1 elec-

1 tric vehicle charging station for use by the public or
2 officers and employees of the Postal Service.

3 (2) FLEET OPERATION.—The Postal Service
4 shall ensure that adequate charging stations are
5 available at Postal Service facilities to keep the
6 Postal Service fleet operational.

7 (e) PLAN AND UPDATE.—Not later than 180 days
8 after the date of enactment of this Act, the Postmaster
9 General shall submit a plan to carry out this section to
10 the Committee on Oversight and Reform of the House of
11 Representatives, the Committee on Homeland Security
12 and Governmental Affairs of the Senate, and the Commit-
13 tees on Appropriations of the House of Representatives
14 and the Senate. The Postmaster General shall submit an
15 update and progress report on implementing such plan to
16 such committees not less than once every 2 years begin-
17 ning on the date the plan is submitted under the previous
18 sentence and ending on the day that is 6 years after such
19 date.

20 (f) CONTINGENT ON APPROPRIATION.—The require-
21 ments of subsections (a) through (e) of this section shall
22 not apply unless the funds authorized for vehicles under
23 section 50001 are appropriated.

1 **SEC. 50003. CLARIFICATION OF AUTHORITY OF DISTRICT**
2 **OF COLUMBIA TO CARRY OUT LONG BRIDGE**
3 **PROJECT.**

4 (a) CLARIFICATION OF AUTHORITY.—Section 244 of
5 the Revised Statutes of the United States relating to the
6 District of Columbia (sec. 9-1201.03, D.C. Official Code)
7 does not apply with respect to any railroads installed pur-
8 suant to the Long Bridge Project.

9 (b) LONG BRIDGE PROJECT DEFINED.—In this sec-
10 tion, the term “Long Bridge Project” means the project
11 carried out by the District of Columbia and the Common-
12 wealth of Virginia to construct a new Long Bridge adja-
13 cent to the existing Long Bridge over the Potomac River,
14 including related infrastructure and other related projects,
15 to expand commuter and regional passenger rail service
16 and to provide bike and pedestrian access crossings over
17 the Potomac River.

18 **DIVISION J—COMMITTEE ON**
19 **FINANCIAL SERVICES**

20 **SECTION 60001. SHORT TITLE.**

21 This division may be cited as the “Housing is Infra-
22 structure Act of 2020”.

23 **SEC. 60002. FINDINGS.**

24 The Congress finds the following:

25 (1) Residential segregation and systemic com-
26 munity disinvestment continue to disproportionately

1 affect the well-being and socioeconomic opportunity
2 of children, low-income residents, and people of
3 color.

4 (2) Affordable and accessible housing allows
5 people with disabilities to live independent lives and
6 supports aging in place, yet less than 2 percent of
7 the housing stock in the United States is accessible
8 for individuals with disabilities.

9 (3) Affordable housing is a critical part of the
10 national infrastructure of the United States but
11 there is a severe shortage of affordable housing in
12 the United States and the existing stock is badly in
13 need of repair.

14 (4) According to a 2010 study sponsored by the
15 Department of Housing and Urban Development,
16 there was a \$26 billion backlog of capital needs for
17 public housing; that figure is likely higher today,
18 with some groups estimating the backlog of capital
19 needs for public housing to be as high as \$70 billion.

20 (5) There are 14,000 units supported by Rural
21 Rental Housing Loans under section 515 of the
22 Housing Act of 1949 and Farm Labor Housing
23 Loans under section 514 of the Housing Act of
24 1949. According to National Rural Housing Coali-
25 tion, it would take an estimated \$1 billion in the

1 Multi-Family Housing Revitalization Demonstration
2 Program (MPR) funding to fully address the capital
3 backlog for rural housing properties.

4 (6) Federal investment in housing helps to cre-
5 ate jobs and stimulate the economy.

6 (7) When the American Recovery and Reinvest-
7 ment Act of 2009 (Public Law 111–5) was enacted,
8 which included funding for public housing, research-
9 ers found that for each \$1.00 in direct spending on
10 public housing, there was an additional \$2.12 of in-
11 direct and induced economic activity nationwide for
12 a total economic impact of \$3.12 for each \$1.00 in
13 direct spending on public housing.

14 (8) According to the National Association of
15 Home Builders, building 100 affordable rental
16 homes generates \$11.7 million in local income,
17 \$2,200,000 in taxes and revenue for local govern-
18 ments, and 161 local jobs.

19 (9) Researchers estimate that the growth in the
20 gross domestic product from 1964–2009 would have
21 been 13.5 percent higher if families had better ac-
22 cess to affordable housing, which in turn could have
23 led to an additional \$1.7 trillion increase in income,
24 equivalent to \$8,775 in additional wages for each
25 worker.

1 **SEC. 60003. PUBLIC HOUSING CAPITAL FUND.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated for the Capital Fund under section 9(d) of the
4 United States Housing Act of 1937 (42 U.S.C. 1437g(d))
5 \$70,000,000,000 and any amounts appropriated pursuant
6 to this subsection shall remain available until the expira-
7 tion of the 7-year period beginning upon the date of such
8 appropriation.

9 (b) REQUIREMENTS.—The Secretary of Housing and
10 Urban Development (in this division referred to as the
11 “Secretary”) shall—

12 (1) distribute not less than 35 percent and not
13 more than 75 percent of any amounts appropriated
14 pursuant to subsection (a) under the same formula
15 used for amounts made available for the Capital
16 Fund for fiscal year 2020; and

17 (2) make available all remaining amounts by
18 competition for priority investments, including in-
19 vestments that address lead hazards, other urgent
20 health and safety concerns, and such other priorities
21 as the Secretary may identify.

22 (c) TIMING.—The Secretary shall obligate amounts—

23 (1) made available under subsection (b)(1)
24 within 30 days of enactment of the Act appro-
25 priating such funds; and

1 (2) made available under subsection (b)(2)
2 within 12 months of enactment of the Act appro-
3 priating such funds.

4 (d) **LIMITATION.**—Amounts provided pursuant to
5 this section may not be used for operating costs or rental
6 assistance.

7 (e) **USE OF FUNDS.**—Not more than 0.5 percent of
8 any amount appropriated pursuant to this section shall be
9 used by the Secretary for costs associated with staff, train-
10 ing, technical assistance, technology, monitoring, travel,
11 enforcement, research, and evaluation.

12 (f) **SUPPLEMENT NOT SUPPLANT.**—The Secretary
13 shall ensure that amounts provided pursuant to this sec-
14 tion shall serve to supplement and not supplant other
15 amounts generated by a recipient of such amounts or
16 amounts provided by other Federal, State, or local
17 sources.

18 (g) **WATER AND ENERGY EFFICIENCY.**—In distrib-
19 uting any amounts pursuant to subsection (b), the Sec-
20 retary shall give priority to public housing agencies located
21 in States and localities that have a plan to increase water
22 and energy efficiency when developing or rehabilitating
23 public housing using any amounts distributed.

1 **SEC. 60004. RURAL MULTIFAMILY PRESERVATION AND RE-**
2 **VITALIZATION DEMONSTRATION PROGRAM.**

3 (a) IN GENERAL.—There is authorized to be appro-
4 priated for carrying out the Multifamily Preservation and
5 Revitalization Demonstration program of the Rural Hous-
6 ing Service (as authorized under sections 514, 515, and
7 516 of the Housing Act of 1949 (42 U.S.C. 1484; 1485;
8 1486)) \$1,000,000,000 and any amounts appropriated
9 pursuant to this section shall remain available until ex-
10 pended.

11 (b) WATER AND ENERGY EFFICIENCY.—Not less
12 than 10 percent of all amounts made available pursuant
13 to this section shall be used only for activities relating to
14 water and energy efficiency and, at the discretion of the
15 Secretary of Agriculture, other strategies to enhance the
16 environmental sustainability of housing production and
17 design.

18 **SEC. 60005. FLOOD MITIGATION ASSISTANCE GRANT PRO-**
19 **GRAM.**

20 (a) IN GENERAL.—There is authorized to be appro-
21 priated for carrying out the Flood Mitigation Assistance
22 Grant Program under section 1366 of the National Flood
23 Insurance Act of 1968 (42 U.S.C. 4104c) \$1,000,000,000
24 and any amounts appropriated pursuant to this section
25 shall remain available until expended.

1 (b) MULTIFAMILY RESIDENCES AND ATTACHED AND
2 SEMI-ATTACHED HOMES.—With regard to any structure
3 that is a multifamily residence or an attached or semi-
4 attached residence, the Administrator of the Federal
5 Emergency Management Agency shall consult with the
6 Secretary of Housing and Urban Development and estab-
7 lish alternative forms of mitigation.

8 (c) DEFINITIONS.—For the purposes of this section,
9 the term “multifamily residence” has the same meaning
10 as in the Flood Disaster Protection Act of 1973 and the
11 National Flood Insurance Act of 1968.

12 **SEC. 60006. HOUSING TRUST FUND.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated for the Housing Trust Fund under section 1338
15 of the Housing and Urban Development Act of 1992 (12
16 U.S.C. 4568) \$5,000,000,000 and any amounts appro-
17 priated pursuant to this subsection shall remain available
18 until expended. The Secretary shall ensure that priority
19 for occupancy in dwelling units assisted with amounts
20 made available pursuant to this section that become avail-
21 able for occupancy shall be given to persons and house-
22 holds who are homeless (as such term is defined in section
23 103 of the McKinney-Vento Homeless Assistance Act (42
24 U.S.C. 11302)) or at risk of homelessness (as such term
25 is defined in section 401 of such Act (42 U.S.C. 11360)).

1 (b) WATER AND ENERGY EFFICIENCY.—Not less
2 than 10 percent of all amounts made available pursuant
3 to this section shall be used only for activities relating to
4 water and energy efficiency and, at the Secretary's discre-
5 tion, other strategies to enhance the environmental sus-
6 tainability of housing production and design.

7 **SEC. 60007. SINGLE-FAMILY HOUSING REPAIR LOANS AND**
8 **GRANTS.**

9 (a) IN GENERAL.—There is authorized to be appro-
10 priated for carrying out single family housing repair loans
11 and grants under section 504 of the Housing Act of 1949
12 (42 U.S.C. 1474) \$100,000,000 and any amounts appro-
13 priated pursuant to this section shall remain available
14 until expended.

15 (b) WATER AND ENERGY EFFICIENCY.—Not less
16 than 10 percent of all amounts made available pursuant
17 to this section shall be used only for activities relating to
18 water and energy efficiency and, at the discretion of the
19 Secretary of Agriculture, other strategies to enhance the
20 environmental sustainability of housing production and
21 design.

22 **SEC. 60008. NATIVE AMERICAN HOUSING BLOCK GRANT**
23 **PROGRAM.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated for carrying out the Native American housing

1 block grant program under title I of the Native American
2 Housing Assistance and Self-Determination Act of 1996
3 (25 U.S.C. 4111 et seq.) \$1,000,000,000 and any
4 amounts appropriated pursuant to this section shall re-
5 main available until expended.

6 (b) WATER AND ENERGY EFFICIENCY.—Not less
7 than 10 percent of all amounts made available pursuant
8 to this section shall be used only for activities relating to
9 water and energy efficiency and, at the Secretary’s discre-
10 tion, other strategies to enhance the environmental sus-
11 tainability of housing production and design.

12 **SEC. 60009. HOME INVESTMENT PARTNERSHIPS PROGRAM.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated for carrying out the HOME Investment Partner-
15 ship Program under title II of the Cranston-Gonzalez Na-
16 tional Affordable Housing Act (42 U.S.C. 12721 et seq.)
17 \$5,000,000,000 and any amounts appropriated pursuant
18 to this section shall remain available until expended.

19 (b) WATER AND ENERGY EFFICIENCY.—Not less
20 than 10 percent of all amounts made available pursuant
21 to this section shall be used only for activities relating to
22 water and energy efficiency and, at the Secretary’s discre-
23 tion, other strategies to enhance the environmental sus-
24 tainability of housing production and design.

1 **SEC. 60010. PROGRAM FOR SUPPORTIVE HOUSING FOR**
2 **PERSONS WITH DISABILITIES.**

3 (a) IN GENERAL.—There is authorized to be appro-
4 priated \$2,500,000,000 for project rental assistance under
5 the program for supportive housing for persons with dis-
6 abilities under section 811(b)(3) of the Cranston-Gonzalez
7 National Affordable Housing Act (42 U.S.C. 8013(b)(3))
8 for State housing finance agencies and any amounts ap-
9 propriated pursuant to this section shall remain available
10 until expended.

11 (b) WATER AND ENERGY EFFICIENCY.—Not less
12 than 10 percent of all amounts made available pursuant
13 to this section shall be used only for activities relating to
14 water and energy efficiency and, at the Secretary's discre-
15 tion, other strategies to enhance the environmental sus-
16 tainability of housing production and design.

17 **SEC. 60011. PROGRAM FOR SUPPORTIVE HOUSING FOR THE**
18 **ELDERLY.**

19 (a) IN GENERAL.—There is authorized to be appro-
20 priated \$2,500,000,000 for—

21 (1) capital advances pursuant to section
22 202(c)(1) of the Housing Act of 1959 (12 U.S.C.
23 1701q(c)(1)), including amendments to capital ad-
24 vance contracts for housing for the elderly as au-
25 thorized by section 202 of such Act;

1 (2) project rental assistance for the elderly
2 under section 202(c)(2) of such Act, including
3 amendments to contracts for such assistance and re-
4 newal of expiring contracts for such assistance for
5 up to a 1-year term;

6 (3) senior preservation rental assistance con-
7 tracts, including renewals, as authorized by section
8 811(e) of the American Housing and Economic Op-
9 portunity Act of 2000 (12 U.S.C. 1701g note); and

10 (4) supportive services associated with housing
11 assisted under paragraph (1), (2), or (3).

12 (b) **AVAILABILITY OF AMOUNTS.**—Any amounts ap-
13 propriated pursuant to this section shall remain available
14 until September 30, 2023.

15 (c) **WATER AND ENERGY EFFICIENCY.**—Not less
16 than 10 percent of all amounts made available pursuant
17 to this section shall be used only for activities relating to
18 water and energy efficiency and, at the Secretary’s discre-
19 tion, other strategies to enhance the environmental sus-
20 tainability of housing production and design.

21 **SEC. 60012. CAPITAL MAGNET FUND.**

22 (a) There is authorized to be appropriated for the
23 Capital Magnet Fund under section 1339 of the Federal
24 Housing Enterprises Financial Safety and Soundness Act
25 of 1992 (12 U.S.C. 4569) \$2,500,000,000 and any

1 amounts appropriated pursuant to this subsection shall re-
2 main available until expended.

3 (b) WATER AND ENERGY EFFICIENCY.—Not less
4 than 10 percent of all amounts made available pursuant
5 to this section shall be used only for activities relating to
6 water and energy efficiency and, at the discretion of the
7 Secretary of the Treasury, other strategies to enhance the
8 environmental sustainability of housing production and
9 design.

10 **SEC. 60013. COMMUNITY DEVELOPMENT BLOCK GRANT**
11 **FUNDING FOR AFFORDABLE HOUSING AND**
12 **INFRASTRUCTURE.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—Subject to the provisions of
15 this section, there is authorized to be appropriated
16 for assistance under the community development
17 block grant program under title I of the Housing
18 and Community Development Act of 1974 (42
19 U.S.C. 5301 et seq.) \$10,000,000,000 and any
20 amounts appropriated pursuant to this section shall
21 remain available until expended.

22 (2) ADMINISTRATIVE AND PLANNING COSTS.—
23 Not more than 15 percent of any amounts appro-
24 priated pursuant to paragraph (1) may be used for
25 administrative and planning costs.

1 (b) ELIGIBLE ACTIVITIES.—Amounts made available
2 for assistance under this section may be used only for—

3 (1) the development and preservation of quali-
4 fied affordable housing, including the construction of
5 such housing;

6 (2) the responsible elimination or waiving of
7 zoning requirements and other requirements that
8 limit affordable housing development, including high
9 density and multifamily development restrictions,
10 off-street parking requirements, and height limita-
11 tions; or

12 (3) any project or entity eligible for a discre-
13 tionary grant provided by the Department of Trans-
14 portation.

15 (c) LIMITATION.—With respect to amounts used pur-
16 suant to subsection (b)(2), the Secretary shall ensure that
17 recipients of amounts provided pursuant to this section
18 are not incentivized or otherwise rewarded for eliminating
19 or undermining the intent of the zoning regulations or
20 other regulations or policies that—

21 (1) establish fair wages for labors;

22 (2) ensure the health and safety of buildings for
23 residents and the general public;

24 (3) protect fair housing;

25 (4) provide environmental protections;

1 (5) prevent tenant displacement; or

2 (6) protect any other interest that the Secretary
3 determines is in the public interest to preserve.

4 (d) COMPETITION.—Amounts made available for as-
5 sistance under this section shall be awarded to States,
6 units of general local government, and Indian tribes on
7 a competitive basis, based on the extent to which the appli-
8 cant—

9 (1) demonstrates that the applicant is respon-
10 sibly streamlining the process for development of
11 qualified affordable housing;

12 (2) is eliminating or reducing impact fees for
13 housing within boundaries of the State, unit of local
14 government, or Indian tribe, as applicable, and other
15 assessments by State or local governments upon the
16 owners of new housing development projects that
17 offset governmental capital expenditures for infra-
18 structure required to serve or made necessary by the
19 new housing developments, except for fees that are
20 invested exclusively for housing; and

21 (3) provides assurances that the applicant will
22 supplement assistance provided under this section
23 with amounts from non-Federal sources for costs of
24 the qualified affordable housing or infrastructure eli-
25 gible under subsection (b) to be funded with assist-

1 ance under this section, and the extent of such sup-
2 plemental assistance to be provided.

3 (e) WATER AND ENERGY EFFICIENCY.—Not less
4 than 10 percent of all amounts made available for assist-
5 ance pursuant to this section shall be used only for eligible
6 activities relating to water and energy efficiency and, at
7 the Secretary’s discretion, other strategies to enhance the
8 environmental sustainability of housing production and
9 design.

10 (f) QUALIFIED AFFORDABLE HOUSING.—For pur-
11 poses of this section, the term “qualified affordable hous-
12 ing” means a housing development that—

13 (1) is either—

14 (A) funded in any part by assistance pro-
15 vided by the Department of Housing and Urban
16 Development or the Rural Housing Service of
17 the Department of Agriculture; or

18 (B) includes a qualified low income build-
19 ing as such term is defined in section 42 of the
20 Internal Revenue Code of 1986; or

21 (2) consists of 5 or more dwelling units of
22 which 20 percent or more are made available—

23 (A) for rental only by a low-income family
24 (as defined in section 3(b) of the United States
25 Housing Act of 1937 (42 U.S.C. 1437a(b)));

1 (B) at a monthly rent amount that does
2 not exceed 30 percent of the monthly adjusted
3 income (as defined in such section 3(b)) of the
4 tenant low-income family; and

5 (C) maintains affordability for residents
6 who are low-income families for a period of not
7 less than 30 years.

8 **SEC. 60014. INCLUSION OF MINORITY AND WOMEN'S BUSI-**
9 **NESS ENTERPRISES.**

10 (a) DUTY.—It shall be the duty of each relevant
11 agency head—

12 (1) to consult and cooperate with grantees and
13 recipients, when utilizing funds made available pur-
14 suant to this division, to promote the inclusion of
15 minority and women's business enterprises, as de-
16 fined in subsection (b) including to establish—

17 (A) special consideration to increasing
18 grantee and recipient outreach to minority and
19 women's business enterprises to inform such
20 businesses of hiring opportunities created
21 through such funds; and

22 (B) procurement goals for the utilization of
23 minority and women's business enterprises; and

24 (2) to convene meetings with leaders and offi-
25 cials of State and local governments, tribal entities,

1 and public housing authorities for the purpose of
2 recommending and promoting funding opportunities
3 and initiatives needed to advance the position of mi-
4 nority and women’s business enterprises when com-
5 peting for funds provided in this division.

6 (b) DEFINITIONS.—For the purposes of this section,
7 the following definitions shall apply:

8 (1) MINORITY.—The term “minority” has the
9 meaning given such term in section 308(b) of the
10 Financial Institutions Reform, Recovery, and En-
11 forcement Act of 1989 (12 U.S.C. 1463 note) and
12 also includes any indigenous person in the United
13 States or its territories.

14 (2) MINORITY AND WOMEN’S BUSINESS ENTER-
15 PRISE.—The term “minority and women’s business
16 enterprise” means a business at least 51 percent
17 owned and controlled by minority group members or
18 women.

19 (3) RELEVANT AGENCY HEAD.—The term “rel-
20 evant agency head” means, with respect to funds
21 made available pursuant to any section of this divi-
22 sion, the head of the Federal agency responsible for
23 administering the program under which such funds
24 are to be expended.

1 **SEC. 60015. REPORTS ON OUTCOMES.**

2 The Secretary of Housing and Urban Development,
3 in coordination with the Secretary of the Treasury, the
4 Administrator of the Federal Emergency Management
5 Agency, and the Secretary of Agriculture shall submit a
6 report to the Congress on an annual basis until all funds
7 made available pursuant to this Act (but not including
8 funds made available pursuant to section 60009) are ex-
9 pended, that provides a summary of outcomes for each
10 program for which such funds were made available (but
11 not including funds made available pursuant to section
12 60009), disaggregated at the census tract level, or block
13 group level when available, that shall include, to the max-
14 imum extent possible, identification for the preceding year
15 of—

16 (1) the total number of housing units produced,
17 rehabilitated, or mitigated using such funds;

18 (2) the percentage of such housing units that
19 are affordable to low-, to very low-, and to extremely
20 low-income households;

21 (3) the number of such housing units that are
22 located in high-poverty census tracts;

23 (4) the number of such housing units that are
24 located in low-poverty census tracts;

1 (5) the number of such housing units located in
2 areas where the percentage of households in a racial
3 or ethnic minority group—

4 (A) is at least 20 percentage points higher
5 than the percentage of that minority group for
6 the Metropolitan Statistical Area;

7 (B) is at least 20 percentage points higher
8 than the percentage of all minorities for the
9 Metropolitan Statistical Area; or

10 (C) exceeds 50 percent of the population;

11 (6) the number of such housing units with three
12 or more bedrooms;

13 (7) the number of such housing units located in
14 qualified opportunity zones designated pursuant to
15 section 1400Z-1 of the Internal Revenue Code of
16 1986;

17 (8) the number of such housing units that are
18 in compliance with the design and construction re-
19 quirements of the Department of Housing and
20 Urban Development under section 100.205 of title
21 24 of the Code of Federal Regulations; and

22 (9) any other information that the Secretary of
23 Housing and Urban Development considers appro-
24 priate to illustrate the number of housing units
25 made available and accessible to protected classes

1 under the Fair Housing Act (42 U.S.C. 3601 et
2 seq.), disaggregated by protected class.

3 **DIVISION K—REOPEN AND RE-**
4 **BUILD AMERICA’S SCHOOLS**
5 **ACT OF 2020**

6 **SEC. 70000. SHORT TITLE; TABLE OF CONTENTS.**

7 (a) SHORT TITLE.—This division may be cited as the
8 “Reopen and Rebuild America’s Schools Act of 2020”.

9 (b) TABLE OF CONTENTS.—The table of contents for
10 this Act is as follows:

DIVISION K—REOPEN AND REBUILD AMERICA’S SCHOOLS ACT
OF 2020

Sec. 70000. Short title; table of contents.
Sec. 70001. Definitions.

TITLE I—GRANTS FOR THE LONG-TERM IMPROVEMENT OF
PUBLIC SCHOOL FACILITIES

Subtitle A—Reservation and Allocation of Funds

Sec. 70101. Purpose and reservation.
Sec. 70102. Allocation to States.

Subtitle B—Grants to Local Educational Agencies

Sec. 70111. Need-based grants to qualified local educational agencies.
Sec. 70112. Allowable uses of funds.
Sec. 70113. Prohibited uses.
Sec. 70114. Requirements for hazard-resistance, energy and water conserva-
tion, and air quality.
Sec. 70115. Green Practices.
Sec. 70116. Use of American iron, steel, and manufactured products.
Sec. 70117. Prohibition on use of funds for facilities of for-profit charter
schools.
Sec. 70118. Prohibition on use of funds for certain charter schools.

Subtitle C—Annual Report and Authorization of Appropriations

Sec. 70121. Annual report on grant program.
Sec. 70122. Authorization of appropriations.

TITLE II—OTHER REPORTS, DEVELOPMENT OF STANDARDS, AND
INFORMATION CLEARINGHOUSE

Sec. 70201. Comptroller general report.

- Sec. 70202. Study and report physical condition of public schools.
- Sec. 70203. Development of data standards.
- Sec. 70204. Information clearinghouse.
- Sec. 70205. Sense of Congress on Opportunity Zones.

TITLE III—IMPACT AID CONSTRUCTION

- Sec. 70301. Temporary increase in funding for impact aid construction.

TITLE IV—ASSISTANCE FOR REPAIR OF SCHOOL FOUNDATIONS
AFFECTED BY PYRRHOTITE

- Sec. 70401. Allocations to States.
- Sec. 70402. Grants to local educational agencies.
- Sec. 70403. Definitions.
- Sec. 70404. Authorization of appropriations.

1 **SEC. 70001. DEFINITIONS.**

2 In this division:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on Education and
6 Labor of the House of Representatives and the Com-
7 mittee on Health, Education, Labor and Pensions of
8 the Senate.

9 (2) BUREAU-FUNDED SCHOOL.—The term “Bu-
10 reau-funded school” has the meaning given that
11 term in section 1141 of the Education Amendments
12 of 1978 (25 U.S.C. 2021).

13 (3) COVERED FUNDS.—The term “covered
14 funds” means funds received under title I of this di-
15 vision.

16 (4) ESEA TERMS.—The terms “elementary
17 school”, “outlying area”, and “secondary school”
18 have the meanings given those terms in section 8101

1 of the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 7801).

3 (5) LOCAL EDUCATIONAL AGENCY.—The term
4 “local educational agency” has the meaning given
5 that term in section 8101 of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 7801)
7 except that such term does not include a Bureau-
8 funded school.

9 (6) PUBLIC SCHOOL FACILITIES.—The term
10 “public school facilities” means the facilities of a
11 public elementary school or a public secondary
12 school.

13 (7) QUALIFIED LOCAL EDUCATIONAL AGEN-
14 CY.—The term “qualified local educational agency”
15 means a local educational agency that receives funds
16 under part A of title I of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C. 6311 et
18 seq.).

19 (8) SECRETARY.—The term “Secretary” means
20 the Secretary of Education.

21 (9) STATE.—The term “State” means each of
22 the 50 States, the District of Columbia, and the
23 Commonwealth of Puerto Rico.

1 (10) ZERO ENERGY SCHOOL.—The term “zero
2 energy school” means a public elementary school or
3 public secondary school that—

4 (A) generates renewable energy on-site;
5 and

6 (B) on an annual basis, exports an amount
7 of such renewable energy that equals or exceeds
8 the total amount of renewable energy that is
9 delivered to the school from outside sources.

10 **TITLE I—GRANTS FOR THE**
11 **LONG-TERM IMPROVEMENT**
12 **OF PUBLIC SCHOOL FACILI-**
13 **TIES**

14 **Subtitle A—Reservation and**
15 **Allocation of Funds**

16 **SEC. 70101. PURPOSE AND RESERVATION.**

17 (a) PURPOSE.—Funds made available under this title
18 shall be for the purpose of supporting long-term improve-
19 ments to public school facilities in accordance with this
20 division.

21 (b) RESERVATION FOR OUTLYING AREAS AND BU-
22 REAU-FUNDED SCHOOLS.—

23 (1) IN GENERAL.—For each of fiscal years
24 2020 through 2024, the Secretary shall reserve,

1 from the amount appropriated to carry out this
2 title—

3 (A) one-half of 1 percent, to make alloca-
4 tions to the outlying areas in accordance with
5 paragraph (3); and

6 (B) one-half of 1 percent, for payments to
7 the Secretary of the Interior to provide assist-
8 ance to Bureau-funded schools.

9 (2) USE OF RESERVED FUNDS.—

10 (A) IN GENERAL.—Funds reserved under
11 paragraph (1) shall be used in accordance with
12 sections 70112 through 70116.

13 (B) SPECIAL RULES FOR BUREAU-FUNDED
14 SCHOOLS.—

15 (i) APPLICABILITY.—Sections 70112
16 through 70116 shall apply to a Bureau-
17 funded school that receives assistance
18 under paragraph (1)(B) in the same man-
19 ner that such sections apply to a qualified
20 local educational agency that receives cov-
21 ered funds. The facilities of a Bureau-
22 funded school shall be treated as public
23 school facilities for purposes of the applica-
24 tion of such sections.

1 (ii) TREATMENT OF TRIBALLY OPER-
2 ATED SCHOOLS.—The Secretary of the In-
3 terior shall provide assistance to Bureau-
4 funded schools under paragraph (1)(B)
5 without regard to whether such schools are
6 operated by the Bureau of Indian Edu-
7 cation or by an Indian Tribe. In the case
8 of a Bureau-funded school that is a con-
9 tract or grant school (as that term is de-
10 fined in section 1141 of the Education
11 Amendments of 1978 (25 U.S.C. 2021))
12 operated by an Indian Tribe, the Secretary
13 of the Interior shall provide assistance
14 under such paragraph to the Indian Tribe
15 concerned.

16 (3) ALLOCATION TO OUTLYING AREAS.—From
17 the amount reserved under paragraph (1)(A) for a
18 fiscal year, the Secretary shall allocate to each out-
19 lying area an amount in proportion to the amount
20 received by the outlying area under part A of title
21 I of the Elementary and Secondary Education Act
22 of 1965 (20 U.S.C. 6311 et seq.) for the previous
23 fiscal year relative to the total such amount received
24 by all outlying areas for such previous fiscal year.

1 **SEC. 70102. ALLOCATION TO STATES.**

2 (a) ALLOCATION TO STATES.—

3 (1) STATE-BY-STATE ALLOCATION.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), of the amount appropriated to carry
6 out this title for each fiscal year and not re-
7 served under section 70101(b), each State that
8 has a plan approved by the Secretary under
9 subsection (b) shall be allocated an amount in
10 proportion to the amount received by all local
11 educational agencies in the State under part A
12 of title I of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6311 et
14 seq.) for the previous fiscal year relative to the
15 total such amount received by all local edu-
16 cational agencies in every State that has a plan
17 approved by the Secretary under subsection (b).

18 (B) FISCAL YEAR 2020.—Of the amount
19 appropriated to carry out this title for fiscal
20 year 2020 and not reserved under section
21 70101(b), not later than 30 days after such
22 funds are appropriated, each State that pro-
23 vides an assurance to the Secretary that the
24 State will comply with the requirements of sec-
25 tion 70111(c)(2) shall be allocated an amount
26 in proportion to the amount received by all local

1 educational agencies in the State under part A
2 of title I of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 6311 et
4 seq.) for the previous fiscal year relative to the
5 total such amount received by all local edu-
6 cational agencies in every State that provides
7 such an assurance to the Secretary.

8 (2) STATE RESERVATION.—A State may reserve
9 not more than 1 percent of its allocation under para-
10 graph (1) to carry out its responsibilities under this
11 division, which—

12 (A) shall include—

13 (i) providing technical assistance to
14 local educational agencies, including by—

15 (I) identifying which State agen-
16 cies have programs, resources, and ex-
17 pertise relevant to the activities sup-
18 ported by the allocation under this
19 section; and

20 (II) coordinating the provision of
21 technical assistance across such agen-
22 cies;

23 (ii) in accordance with the guidance
24 issued by the Secretary under section
25 70203, developing an online, publicly

1 searchable database that contains an in-
2 ventory of the infrastructure of all public
3 school facilities in the State (including the
4 facilities of Bureau-funded schools, as ap-
5 propriate), including, with respect to each
6 such facility, an identification of—

7 (I) the information described in
8 subclauses (I) through (VII) of clause
9 (vi);

10 (II) the age (including an identi-
11 fication of the date of any retrofits or
12 recent renovations) of—

13 (aa) the facility;

14 (bb) its roof;

15 (cc) its lighting system;

16 (dd) its windows;

17 (ee) its ceilings;

18 (ff) its plumbing; and

19 (gg) its heating, ventilation,
20 and air conditioning system;

21 (III) fire safety inspection re-
22 sults;

23 (IV) the proximity of the facili-
24 ties to toxic sites or the vulnerability
25 of the facilities to natural disasters,

1 including the extent to which facilities
2 that are vulnerable to seismic natural
3 disasters are seismically retrofitted;

4 (V) any previous inspections
5 showing the presence of toxic sub-
6 stances; and

7 (VI) any improvements to sup-
8 port indoor and outdoor social
9 distancing, personal hygiene, and
10 building hygiene (including with re-
11 spect to HVAC usage and ventilation)
12 in schools, consistent with guidance
13 issued by the Centers for Disease
14 Control and Prevention;

15 (iii) updating the database developed
16 under clause (ii) not less frequently than
17 once every 2 years;

18 (iv) ensuring that the information in
19 the database developed under clause (ii)—

20 (I) is posted on a publicly acces-
21 sible State website; and

22 (II) is regularly distributed to
23 local educational agencies and Tribal
24 governments in the State;

1 (v) issuing and reviewing regulations
2 to ensure the health and safety of students
3 and staff during construction or renovation
4 projects; and

5 (vi) issuing or reviewing regulations to
6 ensure safe, healthy, and high-performing
7 school buildings, including regulations gov-
8 erning—

9 (I) indoor environmental quality
10 and ventilation, including exposure to
11 carbon monoxide, carbon dioxide,
12 lead-based paint, and other combus-
13 tion by-products such as oxides of ni-
14 trogen;

15 (II) mold, mildew, and moisture
16 control;

17 (III) the safety of drinking water
18 at the tap and water used for meal
19 preparation, including regulations
20 that—

21 (aa) address the presence of
22 lead and other contaminants in
23 such water; and

1 (bb) require the regular test-
2 ing of the potability of water at
3 the tap;

4 (IV) energy and water efficiency;

5 (V) excessive classroom noise due
6 to activities allowable under section
7 70112;

8 (VI) the levels of maintenance
9 work, operational spending, and cap-
10 ital investment needed to maintain the
11 quality of public school facilities; and

12 (VII) the construction or renova-
13 tion of such facilities, including appli-
14 cable building codes; and

15 (vii) creating a plan to reduce or
16 eliminate exposure to toxic substances, in-
17 cluding mercury, radon, PCBs, lead, vapor
18 intrusions, and asbestos; and

19 (B) may include the development of a plan
20 to increase the number of zero energy schools
21 in the State.

22 (b) STATE PLAN.—

23 (1) IN GENERAL.—To be eligible to receive an
24 allocation under this section, a State shall submit to
25 the Secretary a plan that—

1 (A) describes how the State will use the al-
2 location to make long-term improvements to
3 public school facilities;

4 (B) explains how the State will carry out
5 each of its responsibilities under subsection
6 (a)(2);

7 (C) explains how the State will make the
8 determinations under subsections (b) and (c) of
9 section 70111;

10 (D) identifies how long, and at what levels,
11 the State will maintain fiscal effort for the ac-
12 tivities supported by the allocation after the
13 State no longer receives the allocation; and

14 (E) includes such other information as the
15 Secretary may require.

16 (2) APPROVAL AND DISAPPROVAL.—The Sec-
17 retary shall have the authority to approve or dis-
18 approve a State plan submitted under paragraph
19 (1).

20 (c) CONDITIONS.—As a condition of receiving an allo-
21 cation under this section, a State shall agree to the fol-
22 lowing:

23 (1) MATCHING REQUIREMENT.—

24 (A) IN GENERAL.—The State shall con-
25 tribute, from non-Federal sources, an amount

1 equal to 10 percent of the amount of the alloca-
2 tion received under this section to carry out the
3 activities supported by the allocation.

4 (B) DEADLINE.—The State shall provide
5 any contribution required under subparagraph
6 (A) not later than September 30, 2029.

7 (C) CERTAIN FISCAL YEARS.—With re-
8 spect to a fiscal year for which more than
9 \$7,000,000,000 are appropriated to carry out
10 this title, subparagraph (A) shall be applied as
11 if “, from non-Federal sources,” were struck.

12 (2) MAINTENANCE OF EFFORT.—The State
13 shall provide an assurance to the Secretary that the
14 combined fiscal effort or the aggregate expenditures
15 of the State with respect to the activities supported
16 by the allocation under this section for fiscal years
17 beginning with the fiscal year for which the alloca-
18 tion is received will be not less than 90 percent of
19 the 5 year average for total capital outlay of the
20 combined fiscal effort or aggregate expenditures by
21 the State for the purposes for which the allocation
22 is received.

23 (3) SUPPLEMENT NOT SUPPLANT.—The State
24 shall use an allocation under this section only to
25 supplement the level of Federal, State, and local

1 public funds that would, in absence of such alloca-
2 tion, be made available for the activities supported
3 by the allocation, and not to supplant such funds.

4 **Subtitle B—Grants to Local**
5 **Educational Agencies**

6 **SEC. 70111. NEED-BASED GRANTS TO QUALIFIED LOCAL**
7 **EDUCATIONAL AGENCIES.**

8 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 from the amounts allocated to a State under section
11 70102(a) and contributed by the State under section
12 70102(c)(1), the State shall award grants to quali-
13 fied local educational agencies, on a competitive
14 basis, to carry out the activities described in section
15 70112(a).

16 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
17 State may use up to 10 percent of the amount de-
18 scribed in paragraph (1) to make grants to qualified
19 local educational agencies carry out activities to im-
20 prove digital learning in accordance with section
21 70112(b).

22 (b) ELIGIBILITY.—

23 (1) IN GENERAL.—To be eligible to receive a
24 grant under this section a qualified local educational
25 agency—

1 (A) shall be among the local educational
2 agencies in the State with the highest numbers
3 or percentages of students counted under sec-
4 tion 1124(c) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6333(c));

6 (B) shall agree to prioritize the improve-
7 ment of the facilities of public schools that
8 serve the highest percentages of students who
9 are eligible for a free or reduced price lunch
10 under the Richard B. Russell National School
11 Lunch Act (42 U.S.C. 1751 et seq.) (which, in
12 the case of a high school, may be calculated
13 using comparable data from the schools that
14 feed into the high school), as compared to other
15 public schools in the jurisdiction of the agency;
16 and

17 (C) may be among the local educational
18 agencies in the State—

19 (i) with the greatest need to improve
20 public school facilities, as determined by
21 the State, which may include consideration
22 of threats posed by the proximity of the fa-
23 cilities to toxic sites or brownfield sites or
24 the vulnerability of the facilities to natural
25 disasters; and

1 (ii) with the most limited capacity to
2 raise funds for the long-term improvement
3 of public school facilities, as determined by
4 an assessment of—

5 (I) the current and historic abil-
6 ity of the agency to raise funds for
7 construction, renovation, moderniza-
8 tion, and major repair projects for
9 schools;

10 (II) whether the agency has been
11 able to issue bonds or receive other
12 funds to support school construction
13 projects; and

14 (III) the bond rating of the agen-
15 cy.

16 (2) GEOGRAPHIC DISTRIBUTION.—The State
17 shall ensure that grants under this section are
18 awarded to qualified local educational agencies that
19 represent the geographic diversity of the State.

20 (3) STATEWIDE THRESHOLDS.—The State shall
21 establish reasonable thresholds for determining
22 whether a local educational agency is among agen-
23 cies in the State with the highest numbers or per-
24 centages of students counted under section 1124(c)
25 of the Elementary and Secondary Education Act of

1 1965 (20 U.S.C. 6333(c)) as required under para-
2 graph (1)(A).

3 (c) PRIORITY OF GRANTS.—In awarding grants
4 under this section, the State—

5 (1) subject to paragraph (2), shall give priority
6 to qualified local educational agencies that—

7 (A) demonstrate the greatest need for such
8 a grant, as determined by a comparison of the
9 factors described in subsection (b)(1) and other
10 indicators of need in the public school facilities
11 of such local educational agencies, including—

12 (i) the median age of facilities;

13 (ii) the extent to which student enroll-
14 ment exceeds physical and instructional ca-
15 pacity;

16 (iii) the condition of major building
17 systems such as heating, ventilation, air
18 conditioning, electrical, water, and sewer
19 systems;

20 (iv) the condition of roofs, windows,
21 and doors; and

22 (v) other critical health and safety
23 conditions; and

24 (B) will use the grant to improve the facili-
25 ties of—

1 (i) elementary schools or middle
2 schools that have an enrollment of stu-
3 dents who are eligible for a free or reduced
4 price lunch under the Richard B. Russell
5 National School Lunch Act (42 U.S.C.
6 1751 et seq.) that constitutes not less than
7 40 percent of the total student enrollment
8 at such schools; or

9 (ii) high schools that have an enroll-
10 ment of students who are eligible for a free
11 or reduced price lunch under such Act that
12 constitutes not less than 30 percent of the
13 total student enrollment at such schools
14 (which may be calculated using comparable
15 data from the schools that feed into the
16 high school); and

17 (C) operate public school facilities that
18 pose a severe health and safety threat to stu-
19 dents and staff, which may include a threat
20 posed by the proximity of the facilities to toxic
21 sites or the vulnerability of the facilities to nat-
22 ural disasters;

23 (2) with respect to grants awarded for fiscal
24 year 2020, shall give priority to local educational
25 agencies described in paragraph (1) that will use the

1 grant to improve the facilities of schools described in
2 paragraph (1)(B) to support indoor and outdoor so-
3 cial distancing, personal hygiene, and building hy-
4 giene (including with respect to HVAC usage and
5 ventilation) in schools, consistent with guidance
6 issued by the Centers for Disease Control and Pre-
7 vention; and

8 (3) may give priority to qualified local edu-
9 cational agencies that—

10 (A) will use the grant to improve access to
11 high-speed broadband sufficient to support dig-
12 ital learning accordance with section 70112(b);

13 (B) serve elementary schools or secondary
14 schools, including rural schools, that lack such
15 access; and

16 (C) meet one or more of the requirements
17 set forth in subparagraphs (A) through (C) of
18 paragraph (1).

19 (d) APPLICATION.—To be considered for a grant
20 under this section, a qualified local educational agency
21 shall submit an application to the State at such time, in
22 such manner, and containing such information as the
23 State may require. Such application shall include, at min-
24 imum—

1 (1) the information necessary for the State to
2 make the determinations under subsections (b) and
3 (c);

4 (2) a description of the projects that the agency
5 plans to carry out with the grant;

6 (3) an explanation of how such projects will re-
7 duce risks to the health and safety of staff and stu-
8 dents at schools served by the agency; and

9 (4) in the case of a local educational agency
10 that proposes to fund a repair, renovation, or con-
11 struction project for a public charter school, the ex-
12 tent to which—

13 (A) the public charter school lacks access
14 to funding for school repair, renovation, and
15 construction through the financing methods
16 available to other public schools or local edu-
17 cational agencies in the State; and

18 (B) the charter school operator owns or
19 has care and control of the facility that is to be
20 repaired, renovated, or constructed.

21 (e) FACILITIES MASTER PLAN.—

22 (1) PLAN REQUIRED.—Not later than 180 days
23 after receiving a grant under this section, a qualified
24 local educational agency shall submit to the State a
25 comprehensive 10-year facilities master plan.

1 (2) ELEMENTS.—The facilities master plan re-
2 quired under paragraph (1) shall include, with re-
3 spect to all public school facilities of the qualified
4 local educational agency, a description of—

5 (A) the extent to which public school facili-
6 ties meet students' educational needs and sup-
7 port the agency's educational mission and vi-
8 sion;

9 (B) the physical condition of the public
10 school facilities;

11 (C) the current health, safety, and environ-
12 mental conditions of the public school facilities,
13 including—

14 (i) indoor air quality;

15 (ii) the presence of toxic substances;

16 (iii) the safety of drinking water at
17 the tap and water used for meal prepara-
18 tion, including the level of lead and other
19 contaminants in such water;

20 (iv) energy and water efficiency;

21 (v) excessive classroom noise; and

22 (vi) other health, safety, and environ-
23 mental conditions that would impact the
24 health, safety, and learning ability of stu-
25 dents;

1 (D) how the local educational agency will
2 address any conditions identified under sub-
3 paragraph (C);

4 (E) the impact of current and future stu-
5 dent enrollment levels (as of the date of appli-
6 cation) on the design of current and future pub-
7 lic school facilities, as well as the financial im-
8 plications of such enrollment levels;

9 (F) the dollar amount and percentage of
10 funds the local educational agency will dedicate
11 to capital construction projects for public school
12 facilities, including—

13 (i) any funds in the budget of the
14 agency that will be dedicated to such
15 projects; and

16 (ii) any funds not in the budget of the
17 agency that will be dedicated to such
18 projects, including any funds available to
19 the agency as the result of a bond issue;
20 and

21 (G) the dollar amount and percentage of
22 funds the local educational agency will dedicate
23 to the maintenance and operation of public
24 school facilities, including—

1 (i) any funds in the budget of the
2 agency that will be dedicated to the main-
3 tenance and operation of such facilities;
4 and

5 (ii) any funds not in the budget of the
6 agency that will be dedicated to the main-
7 tenance and operation of such facilities.

8 (3) CONSULTATION.—In developing the facili-
9 ties master plan required under paragraph (1)—

10 (A) a qualified local educational agency
11 shall consult with teachers, principals and other
12 school leaders, custodial and maintenance staff,
13 emergency first responders, school facilities di-
14 rectors, students and families, community resi-
15 dents, and Indian Tribes; and

16 (B) in addition to the consultation required
17 under subparagraph (A), a Bureau-funded
18 school shall consult with the Bureau of Indian
19 Education.

20 (f) SUPPLEMENT NOT SUPPLANT.—A qualified local
21 educational agency shall use a grant received under this
22 section only to supplement the level of Federal, State, and
23 local public funds that would, in the absence of such grant,
24 be made available for the activities supported by the grant,
25 and not to supplant such funds.

1 **SEC. 70112. ALLOWABLE USES OF FUNDS.**

2 (a) IN GENERAL.—Except as provided in section
3 70113, a local educational agency that receives covered
4 funds may use such funds to—

5 (1) develop the facilities master plan required
6 under section 70111(e);

7 (2) construct, modernize, renovate, or retrofit
8 public school facilities, which may include seismic
9 retrofitting for schools vulnerable to seismic natural
10 disasters;

11 (3) carry out major repairs of public school fa-
12 cilities;

13 (4) install furniture or fixtures with at least a
14 10-year life in public school facilities;

15 (5) construct new public school facilities;

16 (6) acquire and prepare sites on which new
17 public school facilities will be constructed;

18 (7) extend the life of basic systems and compo-
19 nents of public school facilities;

20 (8) ensure current or anticipated enrollment
21 does not exceed the physical and instructional capaci-
22 ty of public school facilities;

23 (9) ensure the building envelopes and interiors
24 of public school facilities protect occupants from nat-
25 ural elements and human threats, and are struc-
26 turally sound and secure;

1 (10) compose building design plans that
2 strengthen the safety and security on school prem-
3 ises by utilizing design elements, principles, and
4 technology that—

5 (A) guarantee layers of security through-
6 out the school premises; and

7 (B) uphold the aesthetics of the school
8 premises as a learning and teaching environ-
9 ment;

10 (11) improve energy and water efficiency to
11 lower the costs of energy and water consumption in
12 public school facilities;

13 (12) improve indoor air quality in public school
14 facilities;

15 (13) reduce or eliminate the presence of—

16 (A) toxic substances, including mercury,
17 radon, PCBs, lead, and asbestos;

18 (B) mold and mildew; or

19 (C) rodents and pests;

20 (14) ensure the safety of drinking water at the
21 tap and water used for meal preparation in public
22 school facilities, which may include testing of the po-
23 tability of water at the tap for the presence of lead
24 and other contaminants;

1 (15) bring public school facilities into compli-
2 ance with applicable fire, health, and safety codes;

3 (16) make public school facilities accessible to
4 people with disabilities through compliance with the
5 Americans with Disabilities Act of 1990 (42 U.S.C.
6 12101 et seq.) and section 504 of the Rehabilitation
7 Act of 1973 (29 U.S.C. 794);

8 (17) provide instructional program space im-
9 provements (including through the construction of
10 outdoor instructional space) for programs relating to
11 early learning (including early learning programs op-
12 erated by partners of the agency), special education,
13 science, technology, career and technical education,
14 physical education, music, the arts, and literacy (in-
15 cluding library programs);

16 (18) increase the use of public school facilities
17 for the purpose of community-based partnerships
18 that provide students with academic, health, and so-
19 cial services;

20 (19) ensure the health of students and staff
21 during the construction or modernization of public
22 school facilities; or

23 (20) reduce or eliminate excessive classroom
24 noise due to activities allowable under this section.

1 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
2 educational agency may use funds received under section
3 70111(a)(2) to leverage existing public programs or pub-
4 lic-private partnerships to expand access to high-speed
5 broadband sufficient for digital learning.

6 **SEC. 70113. PROHIBITED USES.**

7 A local educational agency that receives covered
8 funds may not use such funds for—

9 (1) payment of routine and predictable mainte-
10 nance costs and minor repairs;

11 (2) any facility that is primarily used for ath-
12 letic contests or exhibitions or other events for which
13 admission is charged to the general public;

14 (3) vehicles; or

15 (4) central offices, operation centers, or other
16 facilities that are not primarily used to educate stu-
17 dents.

18 **SEC. 70114. REQUIREMENTS FOR HAZARD-RESISTANCE, EN-**
19 **ERGY AND WATER CONSERVATION, AND AIR**
20 **QUALITY.**

21 (a) REQUIREMENTS.—A local educational agency
22 that receives covered funds shall ensure that any new con-
23 struction, modernization, or renovation project carried out
24 with such funds meets or exceeds the requirements of the
25 following:

1 (1) Requirements for such projects set forth in
2 the most recent published edition of a nationally rec-
3 ognized, consensus-based model building code.

4 (2) Requirements for such projects set forth in
5 the most recent published edition of a nationally rec-
6 ognized, consensus-based energy conservation stand-
7 ard or model code.

8 (3) Performance criteria under the WaterSense
9 program, established under section 324B of the En-
10 ergy Policy and Conservation Act (42 U.S.C.
11 6294b), applicable to such projects within a nation-
12 ally recognized, consensus-based model code.

13 (4) Indoor environmental air quality require-
14 ments applicable to such projects as set forth in the
15 most recent published edition of the International
16 Green Construction Code.

17 (b) **ADDITIONAL USE OF FUNDS.**—A local edu-
18 cational agency that uses covered funds for a new con-
19 struction project or renovation project may use such funds
20 to assess vulnerabilities, risks, and hazards, to address
21 and mitigate such vulnerabilities, risks and hazards, to en-
22 hance resilience, and to provide for passive survivability.

23 **SEC. 70115. GREEN PRACTICES.**

24 (a) **IN GENERAL.**—In a given fiscal year, a local edu-
25 cational agency that uses covered funds for a new con-

1 construction project or renovation project shall use not less
2 than the applicable percentage (as described in subsection
3 (b)) of the funds used for such project for construction
4 or renovation that is certified, verified, or consistent with
5 the applicable provisions of—

6 (1) the United States Green Building Council
7 Leadership in Energy and Environmental Design
8 green building rating standard (commonly known as
9 the “LEED Green Building Rating System”);

10 (2) the Living Building Challenge developed by
11 the International Living Future Institute;

12 (3) a green building rating program developed
13 by the Collaborative for High-Performance Schools
14 (commonly known as “CHPS”) that is CHPS-
15 verified; or

16 (4) a program that—

17 (A) has standards that are equivalent to or
18 more stringent than the standards of a program
19 described in paragraphs (1) through (3);

20 (B) is adopted by the State or another ju-
21 risdiction with authority over the agency; and

22 (C) includes a verifiable method to dem-
23 onstrate compliance with such program.

24 (b) **APPLICABLE PERCENTAGE.**—The applicable per-
25 centage described in this subsection is—

- 1 (1) for fiscal year 2020, 60 percent;
- 2 (2) for fiscal year 2021, 70 percent;
- 3 (3) for fiscal year 2022; 80 percent;
- 4 (4) for fiscal year 2023, 90 percent; and
- 5 (5) for fiscal year 2024, 100 percent.

6 **SEC. 70116. USE OF AMERICAN IRON, STEEL, AND MANU-**
7 **FACTURED PRODUCTS.**

8 (a) IN GENERAL.—A local educational agency that
9 receives covered funds shall ensure that any iron, steel,
10 and manufactured products used in projects carried out
11 with such funds are produced in the United States.

12 (b) WAIVER AUTHORITY.—

13 (1) IN GENERAL.—The Secretary may waive
14 the requirement of subsection (a) if the Secretary
15 determines that—

16 (A) applying subsection (a) would be in-
17 consistent with the public interest;

18 (B) iron, steel, and manufactured products
19 produced in the United States are not produced
20 in a sufficient and reasonably available amount
21 or are not of a satisfactory quality; or

22 (C) using iron, steel, and manufactured
23 products produced in the United States will in-
24 crease the cost of the overall project by more
25 than 25 percent.

1 (2) PUBLICATION.—Before issuing a waiver
2 under paragraph (1), the Secretary shall publish in
3 the Federal Register a detailed written explanation
4 of the waiver determination.

5 (c) CONSISTENCY WITH INTERNATIONAL AGREE-
6 MENTS.—This section shall be applied in a manner con-
7 sistent with the obligations of the United States under
8 international agreements.

9 (d) DEFINITIONS.—In this section:

10 (1) PRODUCED IN THE UNITED STATES.—The
11 term “produced in the United States” means the fol-
12 lowing:

13 (A) When used with respect to a manufac-
14 tured product, the product was manufactured in
15 the United States and the cost of the compo-
16 nents of such product that were mined, pro-
17 duced, or manufactured in the United States
18 exceeds 60 percent of the total cost of all com-
19 ponents of the product.

20 (B) When used with respect to iron or
21 steel products, or an individual component of a
22 manufactured product, all manufacturing proc-
23 esses for such iron or steel products or compo-
24 nents, from the initial melting stage through
25 the application of coatings, occurred in the

1 United States, except that the term does not in-
2 clude—

3 (i) steel or iron material or products
4 manufactured abroad from semi-finished
5 steel or iron from the United States; and

6 (ii) steel or iron material or products
7 manufactured in the United States from
8 semi-finished steel or iron of foreign origin.

9 (2) MANUFACTURED PRODUCT.—The term
10 “manufactured product” means any construction
11 material or end product (as such terms are defined
12 in part 25.003 of the Federal Acquisition Regula-
13 tion) that is not an iron or steel product, includ-
14 ing—

15 (A) electrical components; and

16 (B) non-ferrous building materials, includ-
17 ing, aluminum and polyvinylchloride (PVC),
18 glass, fiber optics, plastic, wood, masonry, rub-
19 ber, manufactured stone, any other non-ferrous
20 metals, and any unmanufactured construction
21 material.

1 **SEC. 70117. PROHIBITION ON USE OF FUNDS FOR FACILI-**
2 **TIES OF FOR-PROFIT CHARTER SCHOOLS.**

3 No covered funds may be used for the facilities of
4 a public charter school that is operated by a for-profit en-
5 tity.

6 **SEC. 70118. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
7 **CHARTER SCHOOLS.**

8 No covered funds may be used for the facilities of
9 a public charter school if—

10 (1) the school leases the facilities from an indi-
11 vidual or private sector entity; and

12 (2) such individual, or an individual with a di-
13 rect or indirect financial interest in such entity, has
14 a management or governance role in such school.

15 **Subtitle C—Annual Report and**
16 **Authorization of Appropriations**

17 **SEC. 70121. ANNUAL REPORT ON GRANT PROGRAM.**

18 (a) IN GENERAL.—Not later than September 30 of
19 each fiscal year beginning after the date of the enactment
20 of this division, the Secretary shall submit to the appro-
21 priate congressional committees a report on the projects
22 carried out with funds made available under this title.

23 (b) ELEMENTS.—The report under subsection (a)
24 shall include, with respect to the fiscal year preceding the
25 year in which the report is submitted, the following:

1 (1) An identification of each local educational
2 agency that received a grant under this title.

3 (2) With respect to each such agency, a descrip-
4 tion of—

5 (A) the demographic composition of the
6 student population served by the agency,
7 disaggregated by—

8 (i) race;

9 (ii) the number and percentage of stu-
10 dents counted under section 1124(c) of the
11 Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 6333(c)); and

13 (iii) the number and percentage of
14 students who are eligible for a free or re-
15 duced price lunch under the Richard B.
16 Russell National School Lunch Act (42
17 U.S.C. 1751 et seq.);

18 (B) the population density of the geo-
19 graphic area served by the agency;

20 (C) the projects for which the agency used
21 the grant received under this title, described
22 using measurements of school facility quality
23 from the most recent available version of the
24 Common Education Data Standards published
25 by the National Center for Education Statistics;

1 (D) the demonstrable or expected benefits
2 of the projects; and

3 (E) the estimated number of jobs created
4 by the projects.

5 (3) The total dollar amount of all grants re-
6 ceived by local educational agencies under this title.

7 (c) LEA INFORMATION COLLECTION.—A local edu-
8 cational agency that receives a grant under this title
9 shall—

10 (1) annually compile the information described
11 in subsection (b)(2);

12 (2) make the information available to the pub-
13 lic, including by posting the information on a pub-
14 licly accessible agency website; and

15 (3) submit the information to the State.

16 (d) STATE INFORMATION DISTRIBUTION.—A State
17 that receives information from a local educational agency
18 under subsection (c) shall—

19 (1) compile the information and report it annu-
20 ally to the Secretary at such time and in such man-
21 ner as the Secretary may require;

22 (2) make the information available to the pub-
23 lic, including by posting the information on a pub-
24 licly accessible State website; and

1 (3) regularly distribute the information to local
2 educational agencies and Tribal governments in the
3 State.

4 **SEC. 70122. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated
6 \$20,000,000,000 for each of fiscal years 2020 through
7 2024 to carry out this title. Amounts so appropriated are
8 authorized to remain available through fiscal year 2029.

9 **TITLE II—OTHER REPORTS, DE-**
10 **VELOPMENT OF STANDARDS,**
11 **AND INFORMATION CLEAR-**
12 **INGHOUSE**

13 **SEC. 70201. COMPTROLLER GENERAL REPORT.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of the enactment of this division, the Comptroller
16 General of the United States shall submit to the appro-
17 priate congressional committees a report on the projects
18 carried out with covered funds.

19 (b) ELEMENTS.—The report under subsection (a)
20 shall include an assessment of—

21 (1) State activities, including—

22 (A) the types of public school facilities
23 data collected by each State, if any;

1 (B) technical assistance with respect to
2 public school facilities provided by each State, if
3 any;

4 (C) future plans of each State with respect
5 to public school facilities;

6 (D) criteria used by each State to deter-
7 mine high-need students and facilities for pur-
8 poses of the projects carried out with covered
9 funds; and

10 (E) whether the State issued new regula-
11 tions to ensure the health and safety of stu-
12 dents and staff during construction or renova-
13 tion projects or to ensure safe, healthy, and
14 high-performing school buildings;

15 (2) the types of projects carried out with cov-
16 ered funds, including—

17 (A) the square footage of the improve-
18 ments made with covered funds;

19 (B) the total cost of each such project; and

20 (C) the cost described in subparagraph
21 (B), disaggregated by, with respect to such
22 project, the cost of planning, design, construc-
23 tion, site purchase, and improvements;

24 (3) the geographic distribution of the projects;

1 (4) the demographic composition of the student
2 population served by the projects, disaggregated
3 by—

4 (A) race;

5 (B) the number and percentage of students
6 counted under section 1124(c) of the Elemen-
7 tary and Secondary Education Act of 1965 (20
8 U.S.C. 6333(c)); and

9 (C) the number and percentage of students
10 who are eligible for a free or reduced price
11 lunch under the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1751 et seq.);

13 (5) an assessment of the impact of the projects
14 on the health and safety of school staff and stu-
15 dents; and

16 (6) how the Secretary or States could make
17 covered funds more accessible—

18 (A) to schools with the highest numbers
19 and percentages of students counted under sec-
20 tion 1124(c) of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 6333(c));
22 and

23 (B) to schools with fiscal challenges in
24 raising capital for school infrastructure
25 projects.

1 (c) UPDATES.—The Comptroller General shall up-
2 date and resubmit the report to the appropriate congres-
3 sional committees—

4 (1) on a date that is between 5 and 6 years
5 after the date of the enactment of this division; and

6 (2) on a date that is between 10 and 11 years
7 after such date of enactment.

8 **SEC. 70202. STUDY AND REPORT PHYSICAL CONDITION OF**
9 **PUBLIC SCHOOLS.**

10 (a) STUDY AND REPORT.—Not less frequently than
11 once in each 5-year period beginning after the date of the
12 enactment of this division, the Secretary, acting through
13 the Director of the Institute of Education Sciences,
14 shall—

15 (1) carry out a comprehensive study of the
16 physical conditions of all public schools in the 50
17 States, the District of Columbia, the Commonwealth
18 of Puerto Rico, the United States Virgin Islands,
19 Guam, American Samoa, and the Commonwealth of
20 the Northern Mariana Islands; and

21 (2) submit a report to the appropriate congres-
22 sional committees that includes the results of the
23 study.

24 (b) ELEMENTS.—Each study and report under sub-
25 section (a) shall include—

1 (1) an assessment of—

2 (A) the effect of school facility conditions
3 on student and staff health and safety;

4 (B) the effect of school facility conditions
5 on student academic outcomes;

6 (C) the condition of school facilities, set
7 forth separately by geographic region;

8 (D) the condition of school facilities for
9 economically disadvantaged students as well as
10 students from major racial and ethnic sub-
11 groups;

12 (E) the accessibility of school facilities for
13 students and staff with disabilities;

14 (F) the prevalence of school facilities at
15 which student enrollment exceeds the physical
16 and instructional capacity of the facility and the
17 effect of such excess enrollment on instructional
18 quality and delivery of school wraparound serv-
19 ices;

20 (G) the condition of school facilities af-
21 fected by natural disasters;

22 (H) the effect that projects carried out
23 with covered funds have on the communities in
24 which such projects are conducted, including

1 the vitality, jobs, population, and economy of
2 such communities; and

3 (I) the ability of building envelopes and in-
4 teriors of public school facilities to protect occu-
5 pants from natural elements and human
6 threats;

7 (2) an explanation of any differences observed
8 with respect to the factors described in subpara-
9 graphs (A) through (H) of paragraph (1); and

10 (3) a cost estimate for bringing school facilities
11 to a state of good repair, as determined by the Sec-
12 retary.

13 **SEC. 70203. DEVELOPMENT OF DATA STANDARDS.**

14 (a) DATA STANDARDS.—Not later than 120 days
15 after the date of the enactment of this division, the Sec-
16 retary, in consultation with the officials described in sub-
17 section (b), shall—

18 (1) identify the data that States should collect
19 and include in the databases developed under section
20 70102(a)(2)(A)(ii);

21 (2) develop standards for the measurement of
22 such data; and

23 (3) issue guidance to States concerning the col-
24 lection and measurement of such data.

1 (b) OFFICIALS.—The officials described in this sub-
2 section are—

3 (1) the Administrator of the Environmental
4 Protection Agency;

5 (2) the Secretary of Energy;

6 (3) the Director of the Centers for Disease
7 Control and Prevention; and

8 (4) the Director of the National Institute for
9 Occupational Safety and Health.

10 **SEC. 70204. INFORMATION CLEARINGHOUSE.**

11 (a) IN GENERAL.—Not later than 120 days after the
12 date of the enactment of this division, the Secretary shall
13 establish a clearinghouse to disseminate information on
14 Federal programs and financing mechanisms that may be
15 used to assist schools in initiating, developing, and financ-
16 ing—

17 (1) energy efficiency projects;

18 (2) distributed generation projects; and

19 (3) energy retrofitting projects.

20 (b) ELEMENTS.—In carrying out subsection (a), the
21 Secretary shall—

22 (1) consult with the officials described in sec-
23 tion 70203(b) to develop a list of Federal programs
24 and financing mechanisms to be included in the
25 clearinghouse; and

1 (2) coordinate with such officials to develop a
2 collaborative education and outreach effort to
3 streamline communications and promote the Federal
4 programs and financing mechanisms included in the
5 clearinghouse, which may include the development
6 and maintenance of a single online resource that in-
7 cludes contact information for relevant technical as-
8 sistance that may be used by States, outlying areas,
9 local educational agencies, and Bureau-funded
10 schools effectively access and use such Federal pro-
11 grams and financing mechanisms.

12 **SEC. 70205. SENSE OF CONGRESS ON OPPORTUNITY ZONES.**

13 (a) FINDINGS.—The Congress finds as follows:

14 (1) Opportunity Zones were championed by
15 prominent leaders of both parties as an innovative
16 way to tackle longstanding challenges.

17 (2) As of December 2018, 8,763 low-income
18 communities had been designated as Opportunity
19 Zones, representing all 50 States, the District of Co-
20 lumbia, Puerto Rico, the U.S. Virgin Islands, and
21 American Samoa.

22 (3) Schools are integral parts of communities,
23 and a key part of communities' economic and work
24 force development efforts could be modernizing
25 school facilities.

1 (b) SENSE OF CONGRESS.—It is the sense of the Con-
2 gress that opportunity zones, when combined with public
3 infrastructure investment, can provide an innovative ap-
4 proach to capital financing that has the potential to un-
5 leash creativity and help local communities rebuild schools,
6 rebuild economics, and get people back to work.

7 **TITLE III—IMPACT AID**
8 **CONSTRUCTION**

9 **SEC. 70301. TEMPORARY INCREASE IN FUNDING FOR IM-**
10 **PACT AID CONSTRUCTION.**

11 Section 7014(d) of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7714(d)) is amended
13 to read as follows:

14 “(d) CONSTRUCTION.—For the purpose of carrying
15 out section 7007, there are authorized to be appropriated
16 \$100,000,000 for each of fiscal years 2020 through
17 2024.”

18 **TITLE IV—ASSISTANCE FOR RE-**
19 **PAIR OF SCHOOL FOUNDA-**
20 **TIONS AFFECTED BY**
21 **PYRRHOTITE**

22 **SEC. 70401. ALLOCATIONS TO STATES.**

23 (a) IN GENERAL.—Beginning not later than 180
24 days after the date of the enactment of this division, the
25 Secretary shall carry out a program under which the Sec-

1 retary makes allocations to States to pay the Federal
2 share of the costs of making grants to local educational
3 agencies under section 70402.

4 (b) WEBSITE.—Not later than 180 days after the
5 date of enactment of this division, the Secretary shall pub-
6 lish, on a publicly accessible website of the Department
7 of Education, instructions describing how a State may re-
8 ceive an allocation under this section.

9 **SEC. 70402. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

10 (a) IN GENERAL.—From the amounts allocated to a
11 State under section 70401(a) and contributed by the State
12 under subsection (e)(2), the State shall award grants to
13 local educational agencies—

14 (1) to pay the future costs of repairing concrete
15 school foundations damaged by the presence of
16 pyrrhotite; or

17 (2) to reimburse such agencies for costs in-
18 curred by the agencies in making such repairs in the
19 five-year period preceding the date of enactment of
20 this division.

21 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

22 (1) ELIGIBILITY FOR GRANTS FOR FUTURE RE-
23 PAIRS.—To be eligible to receive a grant under sub-
24 section (a)(1), a local educational agency shall—

1 (A) with respect to each school for which
2 the agency seeks to use grant funds, dem-
3 onstrate to the State that—

4 (i) the school is a pyrrhotite-affected
5 school; and

6 (ii) any laboratory tests, core tests,
7 and visual inspections of the school's foun-
8 dation used to determine that the school is
9 a pyrrhotite-affected school were con-
10 ducted—

11 (I) by a professional engineer li-
12 censed in the State in which the
13 school is located; and

14 (II) in accordance with applicable
15 State standards or standards ap-
16 proved by any independent, non-prof-
17 it, or private entity authorized by the
18 State to oversee construction, testing,
19 or financial relief efforts for damaged
20 building foundations; and

21 (B) provide an assurance that—

22 (i) the local educational agency will
23 use the grant only for the allowable uses
24 described in subsection (f)(1); and

1 (ii) all work funded with the grant
2 will be conducted by a qualified contractor
3 or architect licensed in the State.

4 (2) ELIGIBILITY FOR REIMBURSEMENT
5 GRANTS.—To be eligible to receive a grant under
6 subsection (a)(2), a local educational agency shall
7 demonstrate that it met the requirements of para-
8 graph (1) at the time it carried out the project for
9 which the agency seeks reimbursement.

10 (c) APPLICATION.—

11 (1) IN GENERAL.—A local educational agency
12 that seeks a grant under this section shall submit to
13 the State an application at such time, in such man-
14 ner, and containing such information as the State
15 may require, which upon approval by the State
16 under subsection (d)(1)(A), the State shall submit to
17 the Secretary for approval under subsection
18 (d)(1)(B).

19 (2) CONTENTS.—At minimum, each application
20 shall include—

21 (A) information and documentation suffi-
22 cient to enable the State to determine if the
23 local educational agency meets the eligibility
24 criteria under subsection (b);

1 (B) in the case of an agency seeking a
2 grant under subsection (a)(1), an estimate of
3 the costs of carrying out the activities described
4 in subsection (f);

5 (C) in the case of an agency seeking a
6 grant under subsection (a)(2)—

7 (i) an itemized explanation of—

8 (I) the costs incurred by the
9 agency in carrying out any activities
10 described subsection (f);

11 (II) any amounts contributed
12 from other Federal, State, local, or
13 private sources for such activities; and

14 (ii) the amount for which the local
15 educational agency seeks reimbursement;
16 and

17 (D) the percentage of any costs described
18 in subparagraph (B) or (C) that are covered by
19 an insurance policy.

20 (d) APPROVAL AND DISBURSEMENT.—

21 (1) APPROVAL.—

22 (A) STATE.—The State shall approve the
23 application of each local educational agency for
24 submission to the Secretary that—

1 (i) submits a complete and correct ap-
2 plication under subsection (c); and

3 (ii) meets the criteria for eligibility
4 under subsection (b).

5 (B) SECRETARY.—Not later than 60 days
6 after receiving an application of a local edu-
7 cational agency submitted by a State under
8 subsection (c)(1), the Secretary shall—

9 (i) approve such application, in a case
10 in which the Secretary determines that
11 such application meets the requirements of
12 subparagraph (A); or

13 (ii) deny such application, in the case
14 of an application that does not meet such
15 requirements.

16 (2) DISBURSEMENT.—

17 (A) ALLOCATION.—The Secretary shall
18 disburse an allocation to a State not later than
19 60 days after the date on which the Secretary
20 approves an application under paragraph
21 (1)(B).

22 (B) GRANT.—The State shall disburse
23 grant funds to a local educational agency not
24 later than 60 days after the date on which the

1 State receives an allocation under subparagraph
2 (A).

3 (e) FEDERAL AND STATE SHARE.—

4 (1) FEDERAL SHARE.—The Federal share of
5 each grant under this section shall be an amount
6 that is not more than 50 percent of the total cost
7 of the project for which the grant is awarded.

8 (2) STATE SHARE.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), the State share of each grant under
11 this section shall be an amount that is not less
12 than 40 percent of the total cost of the project
13 for which the grant is awarded, which the State
14 shall contribute from non-Federal sources.

15 (B) SPECIAL RULE FOR REIMBURSEMENT
16 GRANTS.—In the case of a reimbursement grant
17 made to a local educational agency under sub-
18 section (a)(2) a State shall be treated as meet-
19 ing the requirement of subparagraph (A) if the
20 State demonstrates that it contributed, from
21 non-Federal sources, not less than 40 percent
22 of the total cost of the project for which the re-
23 imbursement grant is awarded.

24 (f) USES OF FUNDS.—

1 (1) ALLOWABLE USES OF FUNDS.—A local edu-
2 cational agency that receives a grant under this sec-
3 tion shall use such grant only for costs associated
4 with—

5 (A) the repair or replacement of the con-
6 crete foundation or other affected areas of a
7 pyrrhotite-affected school in the jurisdiction of
8 such agency to the extent necessary—

9 (i) to restore the structural integrity
10 of the school to the safety and health
11 standards established by the professional
12 licensed engineer or architect associated
13 with the project; and

14 (ii) to restore the school to the condi-
15 tion it was in before the school's founda-
16 tion was damaged due to the presence of
17 pyrrhotite; and

18 (B) engineering reports, architectural de-
19 sign, core tests, and other activities directly re-
20 lated to the repair or replacement project.

21 (2) PROHIBITED USES OF FUNDS.—A local edu-
22 cational agency that receives a grant under this sec-
23 tion may not use the grant for any costs associated
24 with—

1 (A) work done to outbuildings, sheds, or
2 barns, swimming pools (whether in-ground or
3 above-ground), playgrounds or ballfields, or any
4 ponds or water features;

5 (B) the purchase of items not directly as-
6 sociated with the repair or replacement of the
7 school building or its systems, including items
8 such as desks, chairs, electronics, sports equip-
9 ment, or other school supplies; or

10 (C) any other activities not described in
11 paragraph (1).

12 (g) LIMITATION.—A local educational agency may
13 not, for the same project, receive a grant under both—

14 (1) this section; and

15 (2) title I.

16 **SEC. 70403. DEFINITIONS.**

17 In this title:

18 (1) PYRRHOTITE-AFFECTED SCHOOL.—The
19 term “pyrrhotite-affected school” means an elemen-
20 tary school or a secondary school that meets the fol-
21 lowing criteria:

22 (A) The school has a concrete foundation.

23 (B) Pyrrhotite is present in the school’s
24 concrete foundation, as demonstrated by a

1 petrographic or other type of laboratory core
2 analysis or core inspection.

3 (C) A visual inspection of the school's con-
4 crete foundation indicates that the presence of
5 pyrrhotite is causing the foundation to deterio-
6 rate at an unsafe rate.

7 (D) A qualified engineer determined that
8 the deterioration of the school's foundation, due
9 to the presence of pyrrhotite—

10 (i) caused the school to become struc-
11 turally unsound; or

12 (ii) will result in the school becoming
13 structurally unsound within the next five
14 years.

15 (2) **QUALIFIED CONTRACTOR.**—The term
16 “qualified contractor” means a contractor who is
17 qualified under State law, or approved by any State
18 agency or other State-sanctioned independent or
19 nonprofit entity, to repair or replace residential or
20 commercial building foundations that are deterio-
21 rating due to the presence of pyrrhotite.

22 **SEC. 70404. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this title such sums as may be necessary for fiscal year
25 2020 and each fiscal year thereafter.

1 **DIVISION L—PUBLIC LANDS,**
2 **TRIBAL COMMUNITIES, AND**
3 **RESILIENT NATURAL INFRA-**
4 **STRUCTURE**

5 **SEC. 80000. TABLE OF CONTENTS.**

6 The table of contents for this division is as follows:

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- Sec. 81231. Waterbird habitat creation program.
- Sec. 81232. Cooperative watershed management program.

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CHAPTER 4—EFFECT ON EXISTING LAW

- Sec. 81341. Effect on existing law.

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- Sec. 81411. Water Resources Research Act amendments.

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- Sec. 84102. Federal bonding reform.

Subtitle B—Surface Mining Control and Reclamation Act Amendments

- Sec. 84201. Abandoned Mine Land Reclamation Fund.
- Sec. 84202. Emergency Powers.
- Sec. 84203. Reclamation fee.

Subtitle C—Revitalizing the Economy of Coal Communities by Leveraging
Local Activities and Investing More

- Sec. 84301. Economic revitalization for coal country.
- Sec. 84302. Technical and conforming amendments.
- Sec. 84303. Minimum State payments.
- Sec. 84304. GAO study of use of funds.
- Sec. 84305. Payments to certified States not affected.

Subtitle D—Public Land Renewable Energy Development

- Sec. 84401. Definitions.
- Sec. 84402. Land use planning; supplements to programmatic environmental impact statements.
- Sec. 84403. Environmental review on covered land.
- Sec. 84404. Program to improve renewable energy project permit coordination.
- Sec. 84405. Increasing economic certainty.
- Sec. 84406. Limited grandfathering.
- Sec. 84407. Renewable energy goal.
- Sec. 84408. Disposition of revenues.
- Sec. 84409. Promoting and enhancing development of geothermal energy.
- Sec. 84410. Facilitation of coproduction of geothermal energy on oil and gas leases.
- Sec. 84411. Noncompetitive leasing of adjoining areas for development of geothermal resources.
- Sec. 84412. Savings clause.

Subtitle E—Offshore Wind Jobs and Opportunity

- Sec. 84501. Offshore Wind Career Training Grant Program.

Subtitle F—Community Reclamation Partnerships

- Sec. 84601. Reference.
- Sec. 84602. State memoranda of understanding for certain remediation.
- Sec. 84603. Clarifying State liability for mine drainage projects.
- Sec. 84604. Conforming amendments.

1 **TITLE I—WATER RESOURCES**
2 **INFRASTRUCTURE**

3 **Subtitle A—Water Settlements**
4 **Infrastructure**

5 **SEC. 81101. RECLAMATION WATER SETTLEMENTS FUND.**

6 Section 10501 of the Omnibus Public Land Manage-
7 ment Act of 2009 (43 U.S.C. 407) is amended—

8 (1) in subsection (b)(1), by inserting “and for
9 fiscal year 2031 and each fiscal year thereafter”
10 after “For each of fiscal years 2020 through 2029”;

11 (2) in subsection (c)—

12 (A) in paragraph (1)(A), by striking “for
13 each of fiscal years 2020 through 2034” and

1 inserting “for fiscal year 2020 and each fiscal
2 year thereafter”; and

3 (B) in paragraph (3)(C), by striking “for
4 any authorized use” and all that follows
5 through the period at the end and inserting
6 “for any use authorized under paragraph (2).”;
7 and

8 (3) by striking subsection (f).

9 **SEC. 81102. CONVEYANCE CAPACITY CORRECTION**
10 **PROJECT.**

11 (a) **IN GENERAL.**—There is authorized to be appro-
12 priated to the Secretary of the Interior, \$200,000,000 for
13 fiscal years 2020 through 2023, in the aggregate, for the
14 acceleration and completion of repairs to water conveyance
15 facilities at transferred works in Reclamation States.

16 (b) **ELIGIBILITY.**—A project eligible for funding
17 under this section is a project where—

18 (1) repairs are major, non-recurring mainte-
19 nance of a mission critical asset;

20 (2) the Secretary determines that the project
21 has lost 50 percent or more of its designed carrying
22 capacity along some portion of the facility; and

23 (3) the additional water made available for con-
24 veyance through the project would be used primarily
25 for groundwater recharge to assist in meeting

1 groundwater sustainability goals defined under State
2 law.

3 (c) COST SHARING.—

4 (1) FEDERAL SHARE.—The Federal share of
5 the cost of carrying out an activity described in this
6 section shall not be more than 50 percent.

7 (2) NON-FEDERAL SHARE.—The non-Federal
8 share of the cost of carrying out an activity de-
9 scribed in the section—

10 (A) shall be not less than 50 percent; and

11 (B) may be provided in cash or in-kind.

12 (d) RESTRICTIONS.—Funds authorized to be appro-
13 priated under this section may not be used to build new
14 surface storage, raise existing reservoirs, or enlarge the
15 carrying capacity of a canal beyond the project's capacity
16 as previously constructed by the Bureau of Reclamation.

17 (e) ENVIRONMENTAL COMPLIANCE.—In carrying out
18 projects under this section, the Secretary of the Interior
19 shall comply with all applicable environmental laws, in-
20 cluding—

21 (1) the National Environmental Policy Act of
22 1969;

23 (2) the Endangered Species Act of 1973; and

24 (3) other applicable State law.

1 (f) SAVINGS.—Federal funds provided under this sec-
2 tion shall be in addition to any and all Federal funding
3 authorized in statute for such purposes and shall be non-
4 reimbursable.

5 **SEC. 81103. FUNDING PARITY FOR WATER MANAGEMENT**
6 **GOALS AND RESTORATION GOALS.**

7 In addition to the funding authorized in section
8 10009 of Public Law 111–11, there are authorized to be
9 appropriated an additional \$200,000,000 (at October
10 2019 price levels) to implement the Restoration Goal of
11 the Settlement described in section 10004 of Public Law
12 111–11.

13 **Subtitle B—FUTURE Western**
14 **Water Infrastructure and**
15 **Drought Resiliency**

16 **SEC. 81201. FINDINGS.**

17 Congress finds the following:

18 (1) As expressed in the Water Supply Act of
19 1958, Congress has recognized the primary respon-
20 sibilities of the States and local interests in devel-
21 oping water supplies for domestic, municipal, indus-
22 trial, and other purposes, and that the Federal Gov-
23 ernment should participate and cooperate in these
24 projects.

1 (2) There is a long and robust legal precedent
2 of Federal deference to State primacy in water law
3 and the legal system that States establish for resolv-
4 ing disputes over water use, with the Supreme Court
5 finding in *Kansas v. Colorado* that “Congress cannot
6 enforce either rule upon any state” in matters of the
7 right regulation of water rights.

8 (3) The entire American West and Southwest
9 are facing forecasts of prolonged droughts that will
10 leave States facing major water shortages and cata-
11 strophic wildfires.

12 (4) Recent periods of drought in the American
13 West have also occurred with higher temperatures
14 and reduced snowpack and led to what climate sci-
15 entists recently concluded was possibly the most se-
16 vere drought in California in over 1,200 years.

17 (5) The Colorado River has been under drought
18 conditions since 2000, and the chances of a
19 “megadrought” striking the Southwest and central
20 Great Plains are on the rise according to forecasts
21 from climate scientists.

22 (6) Addressing water shortages today and in
23 the future will require action from the Federal Gov-
24 ernment that respects State, local, and Tribal law,
25 and that the policies that respond to droughts

1 should not pit State against State, region against re-
2 gion, or stakeholders against one another.

3 (7) Congress recognizes the range of separate,
4 distinct Federal agencies with authorities and re-
5 sources that play a role in water supply, including
6 treatment and remediation of groundwater, surface
7 water storage, water recycling and reuse, and other
8 clean water infrastructure, and to avoid duplication
9 and ensure the efficiency and effectiveness of these
10 various Federal roles, there is a need for improved
11 coordination, streamlining, and collaboration, both
12 among Federal agencies and with drought-impacted
13 States and localities.

14 (8) It is the policy of the United States to re-
15 spect California's coequal goals, established by the
16 Delta Reform Act of 2009, of providing a more reli-
17 able water supply for California and protecting, re-
18 storing, and enhancing the Delta ecosystem, and
19 these coequal goals shall be achieved in a manner
20 that protects and enhances the unique cultural, rec-
21 reational, natural resource, and agricultural values
22 of the Delta as an evolving place.

23 (9) The State of California, in CA Water Code
24 section 85021, has established a policy to reduce re-
25 liance on the Delta in meeting California's future

1 water supply needs through a statewide strategy of
2 investing in improved regional supplies, conservation,
3 and water use efficiency; California law directs each
4 region that depends on water from the Delta water-
5 shed to improve its regional self-reliance for water
6 through investment in water use efficiency, water re-
7 cycling, advanced water technologies, local and re-
8 gional water supply projects, and improved regional
9 coordination of local and regional water supply ef-
10 forts; and it is the intent of Congress to ensure that
11 Federal programs, policies, and investments respect
12 and compliment, and do not undermine or conflict
13 with, California's policy of reducing reliance on
14 Delta diversions.

15 (10) Federal agencies should operate the Bu-
16 reau of Reclamation's Central Valley Project in Cali-
17 fornia in compliance with all Federal and State laws,
18 including biological opinions, while working with the
19 State to maximize operational flexibility in order to
20 deliver as much water as reasonably possible to
21 drought-impacted areas and minimize the harm suf-
22 fered by fish and wildlife as a result of drought.

23 (11) The Reclamation Fund was established in
24 1902 with the express purpose of providing for the
25 construction and maintenance of water infrastruc-

1 ture for the economic development of the Western
2 States and territories, with revenues deposited into
3 the fund out of public land sales within these West-
4 ern States and territories.

5 (12) Since 1902, the Reclamation Fund has
6 been supplemented with additional revenues from
7 Federal water resources development and mineral
8 and natural resource leases on Federal lands, such
9 that the surplus within the Reclamation Fund now
10 exceeds \$17,000,000,000.

11 (13) The Reclamation Fund represents a trans-
12 fer of a portion of receipts from Federal lands and
13 Federal natural resources in the West back to the
14 West for water development, and the Reclamation
15 Fund's surplus should be used to assist the West in
16 meeting its water needs for public health and safety,
17 for expanding water recycling, reuse, and reclama-
18 tion, and for meeting the emergency needs of com-
19 munities impacted by drought.

20 (14) The Federal funding provided in this sub-
21 title will support near-term and long-term water
22 supply reliability for the Western States, including
23 through the use of the Reclamation Fund surplus to
24 support long-term water infrastructure investment.

1 (15) The Federal funding authorized in chapter
2 1 of this subtitle can help provide additional water
3 supplies to the Western States in the near-term, in-
4 cluding 650,000 acre-feet per year in additional av-
5 erage yield through water reuse projects, 350,000
6 acre-feet per year in additional average yield
7 through water storage projects, and 100,000 acre-
8 feet per year in additional average yield through
9 water desalination projects.

10 (16) Robust Federal investment and support is
11 needed to assist the Western States in developing fu-
12 ture drought resiliency in the face of climate change,
13 which will continue to exacerbate existing water sup-
14 ply challenges in an already arid region of the coun-
15 try.

16 **SEC. 81202. DEFINITIONS.**

17 In this subtitle:

18 (1) **RELEVANT COMMITTEES OF CONGRESS.**—

19 The term “relevant committees of Congress”
20 means—

21 (A) the Committee on Natural Resources
22 of the House of Representatives; and

23 (B) the Committee on Energy and Natural
24 Resources of the Senate.

1 (2) RECLAMATION STATE.—The term “Rec-
2 lamation State” means a State or territory described
3 in the first section of the Act of June 17, 1902 (32
4 Stat. 388, chapter 1093; 43 U.S.C. 391).

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior, unless otherwise de-
7 fined in a particular provision.

8 (4) INDIAN TRIBE.—The term “Indian Tribe”
9 has the meaning given the term in section 4 of the
10 Indian Self-Determination and Education Assistance
11 Act (25 U.S.C. 5304)).

12 **CHAPTER 1—INFRASTRUCTURE**

13 **DEVELOPMENT**

14 **SEC. 81211. COMPETITIVE GRANT PROGRAM FOR THE** 15 **FUNDING OF WATER RECYCLING AND REUSE** 16 **PROJECTS.**

17 (a) COMPETITIVE GRANT PROGRAM FOR THE FUND-
18 ING OF WATER RECYCLING AND REUSE PROJECTS.—Sec-
19 tion 1602(f) of the Reclamation Wastewater and Ground-
20 water Study and Facilities Act (title XVI of Public Law
21 102–575; 43 U.S.C. 390h et seq.) is amended by striking
22 paragraphs (2) and (3) and inserting the following:

23 “(2) PRIORITY.—When funding projects under
24 paragraph (1), the Secretary shall give funding pri-

1 ority to projects that meet one or more of the fol-
2 lowing criteria:

3 “(A) Projects that are likely to provide a
4 more reliable water supply for States and local
5 governments.

6 “(B) Projects that are likely to increase
7 the water management flexibility and reduce
8 impacts on environmental resources from
9 projects operated by Federal and State agen-
10 cies.

11 “(C) Projects that are regional in nature.

12 “(D) Projects with multiple stakeholders.

13 “(E) Projects that provide multiple bene-
14 fits, including water supply reliability, eco-sys-
15 tem benefits, groundwater management and en-
16 hancements, and water quality improvements.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
18 1602(g) of the Reclamation Wastewater and Groundwater
19 Study and Facilities Act (title XVI of Public Law 102–
20 575; 43 U.S.C. 390h et seq.) is amended—

21 (1) by striking “\$50,000,000” and inserting
22 “\$500,000,000 through fiscal year 2025”; and

23 (2) by striking “if enacted appropriations legis-
24 lation designates funding to them by name,”.

1 (c) DURATION.—Section 4013 of the WIIN Act (43
2 U.S.C. 390b(2)) is amended—

3 (1) in paragraph (1), by striking “and”;

4 (2) in paragraph (2), by striking the period and
5 inserting “; and”; and

6 (3) by adding at the end the following:

7 “(3) section 4009(c).”.

8 (d) LIMITATION ON FUNDING.—Section 1631(d) of
9 the Reclamation Wastewater and Groundwater Study and
10 Facilities Act (43 U.S.C. 390h–13(d)) is amended by
11 striking “\$20,000,000 (October 1996 prices)” and insert-
12 ing “\$30,000,000 (January 2019 prices)”.

13 **SEC. 81212. STORAGE PROJECT DEVELOPMENT REPORTS**
14 **TO CONGRESS.**

15 (a) DEFINITIONS.—In this section:

16 (1) NON-FEDERAL INTEREST.—The term
17 “Non-Federal interest” means an eligible entity or a
18 qualified partner (as defined in section 81213(a)).

19 (2) PROJECT REPORT.—The term “project re-
20 port” means the following documents prepared for a
21 Federal storage project or major federally assisted
22 storage project (as defined in section 81213(a)):

23 (A) A feasibility study carried out pursu-
24 ant to the Act of June 17, 1902 (32 Stat. 388,
25 chapter 1093), and Acts supplemental to and

1 amendatory of that Act (43 U.S.C. 371 et seq.)
2 including any feasibility or equivalent studies
3 prepared for a project pursuant to section
4 81213(c)(7)(B) or section 81213(d)(7)(B)(i) of
5 this subtitle.

6 (B) The Fish and Wildlife Coordination
7 Act report described in section 81213(g) of this
8 subtitle prepared for a project.

9 (C) Any final document prepared for a
10 project pursuant to the National Environmental
11 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12 (D) A brief description of any completed
13 environmental permits, approvals, reviews, or
14 studies required for a project under any Fed-
15 eral law other than the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

17 (E) A description of any determinations
18 made by the Secretary under section
19 81213(d)(7)(A)(ii) for each project and the
20 basis for such determinations.

21 (3) PROJECT STUDY.—

22 (A) FEDERAL STORAGE PROJECT.—With
23 respect to a Federal storage project (as defined
24 in section 81213(a)), the term “project study”
25 means a feasibility study carried out pursuant

1 to the Act of June 17, 1902 (32 Stat. 388,
2 chapter 1093), and Acts supplemental to and
3 amendatory of that Act (43 U.S.C. 371 et seq.)
4 including a feasibility study prepared pursuant
5 to section 81213(c)(7)(B) of this subtitle.

6 (B) MAJOR FEDERALLY ASSISTED STOR-
7 AGE PROJECT.—With respect to a major feder-
8 ally assisted storage project (as defined in sec-
9 tion 81213(a)), the term “project study” means
10 the feasibility or equivalent studies prepared
11 pursuant to section 81213(d)(7)(B)(i) of this
12 subtitle.

13 (b) ANNUAL REPORTS.—Not later than February 1
14 of each year, the Secretary shall develop and submit to
15 the relevant committees of Congress an annual report, to
16 be entitled “Report to Congress on Future Storage Project
17 Development”, that identifies the following:

18 (1) PROJECT REPORTS.—Each project report
19 that meets the criteria established in subsection
20 (d)(1)(A).

21 (2) PROPOSED PROJECT STUDIES.—Any pro-
22 posed project study submitted to the Secretary by a
23 non-Federal interest pursuant to subsection (c) that
24 meets the criteria established in subsection
25 (d)(1)(A).

1 (3) PROPOSED MODIFICATIONS.—Any proposed
2 modification to an authorized project or project
3 study that meets the criteria established in sub-
4 section (d)(1)(A) that—

5 (A) is submitted to the Secretary by a non-
6 Federal interest pursuant to subsection (c); or

7 (B) is identified by the Secretary for au-
8 thorization.

9 (c) REQUESTS FOR PROPOSALS.—

10 (1) PUBLICATION.—Not later than May 1 of
11 each year, the Secretary shall publish in the Federal
12 Register a notice requesting proposals from non-
13 Federal interests for project reports, proposed
14 project studies, and proposed modifications to au-
15 thorized projects and project studies to be included
16 in the annual report.

17 (2) DEADLINE FOR REQUESTS.—The Secretary
18 shall include in each notice required by this sub-
19 section a requirement that non-Federal interests
20 submit to the Secretary any proposals described in
21 paragraph (1) by not later than 120 days after the
22 date of publication of the notice in the Federal Reg-
23 ister in order for the proposals to be considered for
24 inclusion in the annual report.

1 (3) NOTIFICATION.—On the date of publication
2 of each notice required by this subsection, the Sec-
3 retary shall—

4 (A) make the notice publicly available, in-
5 cluding on the internet; and

6 (B) provide written notification of the pub-
7 lication to the relevant committees of Congress.

8 (d) CONTENTS.—

9 (1) PROJECT REPORTS, PROPOSED PROJECT
10 STUDIES, AND PROPOSED MODIFICATIONS.—

11 (A) CRITERIA FOR INCLUSION IN RE-
12 PORT.—The Secretary shall include in the an-
13 nual report only those project reports, proposed
14 project studies, and proposed modifications to
15 authorized projects and project studies that—

16 (i) are related to the missions and au-
17 thorities of the Department of the Interior;

18 (ii) require specific congressional au-
19 thorization, including by an Act of Con-
20 gress;

21 (iii) have not been congressionally au-
22 thorized;

23 (iv) have not been included in any
24 previous annual report; and

1 (v) if authorized, could be carried out
2 by the Department of the Interior or a
3 non-Federal entity eligible to carry out a
4 major federally assisted storage project
5 under section 81213.

6 (B) DESCRIPTION OF BENEFITS.—

7 (i) DESCRIPTION.—The Secretary
8 shall describe in the annual report, to the
9 extent applicable and practicable, for each
10 proposed project study and proposed modi-
11 fication to an authorized project or project
12 study included in the annual report, the
13 benefits, as described in clause (ii), of each
14 such study or proposed modification.

15 (ii) BENEFITS.—The benefits (or ex-
16 pected benefits, in the case of a proposed
17 project study) described in this clause are
18 benefits to—

19 (I) water supply and water man-
20 agement;

21 (II) the environment, including
22 fish and wildlife benefits estimated
23 under section 81213(g) for a project
24 report or proposed modification to an
25 authorized project;

1 (III) the protection of human life
2 and property;

3 (IV) the national economy; or

4 (V) the national security inter-
5 ests of the United States.

6 (C) IDENTIFICATION OF OTHER FAC-
7 TORS.—The Secretary shall identify in the an-
8 nual report, to the extent practicable—

9 (i) for each proposed project study in-
10 cluded in the annual report, the non-Fed-
11 eral interest that submitted the proposed
12 project study pursuant to subsection (c);
13 and

14 (ii) for each proposed project study
15 and proposed modification to a project or
16 project study included in the annual re-
17 port, whether the non-Federal interest has
18 demonstrated—

19 (I) that local support exists for
20 the proposed project study or pro-
21 posed modification to an authorized
22 project or project study (including the
23 project that is the subject of the pro-
24 posed project study or the proposed

1 modification to an authorized project
2 study); and

3 (II) the financial ability to pro-
4 vide the required non-Federal cost
5 share.

6 (2) TRANSPARENCY.—The Secretary shall in-
7 clude in the annual report, for each project report,
8 proposed project study, and proposed modification to
9 a project or project study included under paragraph
10 (1)(A)—

11 (A) the name of the associated non-Fed-
12 eral interest, including the name of any non-
13 Federal interest that has contributed, or is ex-
14 pected to contribute, a non-Federal share of the
15 cost of—

16 (i) the project report;

17 (ii) the proposed project study;

18 (iii) the authorized project study for
19 which the modification is proposed; or

20 (iv) construction of—

21 (I) the project that is the subject
22 of—

23 (aa) the project report;

24 (bb) the proposed project
25 study; or

1 (cc) the authorized project
2 study for which a modification is
3 proposed; or

4 (II) the proposed modification to
5 a project;

6 (B) a letter or statement of support for the
7 project report, proposed project study, or pro-
8 posed modification to a project or project study
9 from each associated non-Federal interest;

10 (C) the purpose of the project report, pro-
11 posed project study, or proposed modification to
12 a project or project study;

13 (D) an estimate, to the extent practicable,
14 of the Federal, non-Federal, and total costs
15 of—

16 (i) the proposed modification to an
17 authorized project study; and

18 (ii) construction of—

19 (I) the project that is the subject
20 of—

21 (aa) the project report; or

22 (bb) the authorized project
23 study for which a modification is
24 proposed, with respect to the

1 change in costs resulting from
2 such modification; or

3 (II) the proposed modification to
4 an authorized project; and

5 (E) an estimate, to the extent practicable,
6 of the monetary and nonmonetary benefits of—

7 (i) the project that is the subject of—

8 (I) the project report; or

9 (II) the authorized project study
10 for which a modification is proposed,
11 with respect to the benefits of such
12 modification; or

13 (ii) the proposed modification to an
14 authorized project.

15 (3) CERTIFICATION.—The Secretary shall in-
16 clude in the annual report a certification stating
17 that each project report, proposed project study, and
18 proposed modification to a project or project study
19 included in the annual report meets the criteria es-
20 tablished in paragraph (1)(A).

21 (4) APPENDIX.—The Secretary shall include in
22 the annual report an appendix listing the proposals
23 submitted under subsection (c) that were not in-
24 cluded in the annual report under paragraph (1)(A)
25 and a description of why the Secretary determined

1 that those proposals did not meet the criteria for in-
2 clusion under such paragraph.

3 (e) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—

4 Notwithstanding any other deadlines required by this sec-
5 tion, the Secretary shall—

6 (1) not later than 60 days after the date of the
7 enactment of this Act, publish in the Federal Reg-
8 ister a notice required by subsection (c)(1); and

9 (2) include in such notice a requirement that
10 non-Federal interests submit to the Secretary any
11 proposals described in subsection (c)(1) by not later
12 than 120 days after the date of publication of such
13 notice in the Federal Register in order for such pro-
14 posals to be considered for inclusion in the first an-
15 nual report developed by the Secretary under this
16 section.

17 (f) PUBLICATION.—Upon submission of an annual
18 report to Congress, the Secretary shall make the annual
19 report publicly available, including through publication on
20 the Internet.

21 (g) CONSULTATION.—The Secretary, acting through
22 the Commissioner of Reclamation, shall confer with the
23 relevant committees of Congress before submitting each
24 annual report prepared under subsection (b).

1 (h) SUBMISSION OF INDIVIDUAL PROJECT RE-
2 PORTS.—Upon completion, project reports, including all
3 required documents and reports under subsection (b),
4 shall—

5 (1) be submitted to the relevant committees of
6 Congress; and

7 (2) include discussion of the following findings
8 by the Secretary—

9 (A) whether the project is deemed to be
10 feasible in accordance with the applicable feasi-
11 bility standards under section 81213 and the
12 reclamation laws;

13 (B) The degree to which the project will
14 provide benefits (or expected benefits, in the
15 case of a proposed project study) as described
16 in subsection (d)(1)(B)(ii) and other benefits
17 under the reclamation laws; and

18 (C) whether the project complies with Fed-
19 eral, State, and local laws.

20 **SEC. 81213. FUNDING FOR STORAGE AND SUPPORTING**
21 **PROJECTS.**

22 (a) DEFINITIONS.—In this section:

23 (1) DESIGN; STUDY.—

24 (A) IN GENERAL.—The terms “design”
25 and “study” include any design, permitting,

1 study (including a feasibility study), materials
2 engineering or testing, surveying, or
3 preconstruction activity relating to a Federal
4 storage project, a major federally assisted stor-
5 age project, a natural water storage project, or
6 a standard federally assisted storage project as
7 defined in this subsection.

8 (B) EXCLUSIONS.—The terms “design”
9 and “study” do not include an appraisal study
10 or other preliminary review intended to deter-
11 mine whether further study is appropriate for a
12 Federal storage project, a major federally as-
13 sisted storage project, a natural water storage
14 project, or a standard federally assisted storage
15 project as defined in this subsection.

16 (2) ELIGIBLE ENTITY.—The term “eligible enti-
17 ty” means—

18 (A) any State, political subdivision of a
19 State, department of a State, or public agency
20 organized pursuant to State law;

21 (B) an Indian Tribe or an entity controlled
22 by an Indian Tribe;

23 (C) a water users’ association;

24 (D) an agency established by an interstate
25 compact; and

1 (E) an agency established under State law
2 for the joint exercise of powers.

3 (3) FEDERAL STORAGE PROJECT.—The term
4 “Federal storage project” means—

5 (A) any project in a Reclamation State
6 that involves the construction, expansion, up-
7 grade, or capital repair of a water storage facil-
8 ity or a facility conveying water to or from a
9 surface or groundwater storage facility—

10 (i) to which the United States holds
11 title; and

12 (ii) that was authorized to be con-
13 structed, operated, and maintained pursu-
14 ant to—

15 (I) the reclamation laws; or

16 (II) the Act of August 11, 1939
17 (commonly known as the Water Con-
18 servation and Utilization Act (16
19 U.S.C. 590y et seq.)); or

20 (B) an ecosystem restoration project for
21 watershed function, including a forest or water-
22 shed restoration project, that reduces the risk
23 of water storage loss by reducing the risk of
24 erosion or sediment loading into a water storage
25 facility in a Reclamation State—

1 (i) to which the United States holds
2 title; and

3 (ii) that was authorized to be con-
4 structed, operated, and maintained pursu-
5 ant to—

6 (I) the reclamation laws; or

7 (II) the Act of August 11, 1939
8 (commonly known as the Water Con-
9 servation and Utilization Act (16
10 U.S.C. 590y et seq.)).

11 (4) FISH AND WILDLIFE BENEFITS.—The term
12 “fish and wildlife benefits” means overall benefits or
13 improvements to aquatic ecosystems and native fish
14 and wildlife within a Reclamation State, including
15 benefits for a wildlife refuge, that are in excess of—

16 (A) existing fish and wildlife mitigation or
17 compliance obligations under—

18 (i) the Federal Water Pollution Con-
19 trol Act (33 U.S.C. 1251 et seq.);

20 (ii) the Fish and Wildlife Coordina-
21 tion Act (16 U.S.C. 661 et seq.);

22 (iii) the Water Resources Develop-
23 ment Act of 1986 (Public Law 99–662;
24 100 Stat. 4082);

1 (iv) the Endangered Species Act of
2 1973 (16 U.S.C. 1531 et seq.);

3 (v) the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.); and

5 (vi) any other Federal law, State law
6 or other existing requirement in regula-
7 tions, permits, contracts, licenses, grants,
8 or orders and decisions from courts or
9 State or Federal agencies; or

10 (B) existing environmental mitigation or
11 compliance obligations as defined in section
12 6001(a)(32) of title 23 of the California Code
13 of Regulations, with respect to benefits and im-
14 provements to aquatic ecosystems and native
15 fish and wildlife within the State of California,
16 in recognition of the State of California's exist-
17 ing prohibitions against the use of public funds
18 for environmental mitigation required under
19 Federal and State law.

20 (5) MAJOR FEDERALLY ASSISTED STORAGE
21 PROJECT.—The term “major federally assisted stor-
22 age project” means any project in a Reclamation
23 State that—

1 (A) involves the construction, expansion,
2 upgrade, or capital repair by an eligible entity
3 or qualified partner of—

4 (i) a surface or groundwater storage
5 facility that is not federally owned; or

6 (ii) a facility that is not federally
7 owned conveying water to or from a sur-
8 face or groundwater storage facility; or

9 (B) is an ecosystem restoration project for
10 watershed function, including a forest or water-
11 shed restoration project, that reduces the risk
12 of water storage loss by reducing the risk of
13 erosion or sediment loading for a project de-
14 scribed in subparagraph (A); and

15 (C) provides benefits described in section
16 81212(d)(1)(B)(ii); and

17 (D) has a total estimated cost of more
18 than \$250,000,000.

19 (6) NATURAL WATER STORAGE PROJECT.—The
20 term “natural water storage project” means a single
21 project, a number of distributed projects across a
22 watershed, or the redesign and replacement, or re-
23 moval, of built infrastructure to incorporate ele-
24 ments, where the project or elements have the fol-
25 lowing characteristics:

1 (A) Uses primarily natural materials ap-
2 propriate to the specific site and landscape set-
3 ting.

4 (B) Largely relies on natural riverine, wet-
5 land, hydrologic, or ecological processes.

6 (C) Results in aquifer recharge, transient
7 floodplain water retention, or reconnection of
8 historic floodplains to their stream channels
9 with water retention benefits within a Reclama-
10 tion State.

11 (D) Is designed to produce two or more of
12 the following environmental benefits—

13 (i) stream flow changes beneficial to
14 watershed health.

15 (ii) fish and wildlife habitat or migra-
16 tion corridor restoration.

17 (iii) floodplain reconnection and inun-
18 dation.

19 (iv) riparian or wetland restoration
20 and improvement.

21 (7) STANDARD FEDERALLY ASSISTED STORAGE
22 PROJECT.—The term “standard federally assisted
23 storage project” means any project in a Reclamation
24 State that—

1 (A) involves the construction, expansion,
2 upgrade, or capital repair by an eligible entity
3 or qualified partner of—

4 (i) a surface or groundwater storage
5 facility that is not federally owned; or

6 (ii) a facility that is not federally
7 owned conveying water to or from a sur-
8 face or groundwater storage facility; or

9 (B) is an ecosystem restoration project for
10 watershed function, including a forest or water-
11 shed restoration project, that reduces the risk
12 of water storage loss by reducing the risk of
13 erosion or sediment loading for a project de-
14 scribed in subparagraph (A); and

15 (C) provides benefits described in section
16 81212(d)(1)(B)(ii); and

17 (D) has a total estimated cost of
18 \$250,000,000 or less.

19 (8) QUALIFIED PARTNER.—The term “qualified
20 partner” means a non-profit organization operating
21 in a Reclamation State.

22 (9) RECLAMATION LAWS.—The term “reclama-
23 tion laws” means Federal reclamation law (the Act
24 of June 17, 1902 (32 Stat. 388; chapter 1093)), and
25 Acts supplemental to and amendatory of that Act.

1 (b) STORAGE PROJECT FUNDING.—There is author-
2 ized to be appropriated a total of \$750 million for use
3 by the Secretary through fiscal year 2026 to advance—

4 (1) Federal storage projects within a Reclama-
5 tion State in accordance with subsection (c);

6 (2) major federally assisted storage projects
7 within a Reclamation State in accordance with sub-
8 section (d);

9 (3) natural water storage projects within a Rec-
10 lamation State in accordance with subsection (e);

11 (4) standard federally assisted storage projects
12 within a Reclamation State in accordance with sub-
13 section (f); or

14 (5) grandfathered storage projects in accord-
15 ance with section 81214.

16 (c) FEDERAL STORAGE PROJECTS.—

17 (1) AGREEMENTS.—On request of an eligible
18 entity or qualified partner and in accordance with
19 this subsection, the Secretary may negotiate and
20 enter into an agreement on behalf of the United
21 States for the design, study, construction, expansion,
22 upgrade, or capital repair of a Federal storage
23 project located in a Reclamation State.

24 (2) FEDERAL SHARE.—Subject to the require-
25 ments of this subsection, the Secretary may fund up

1 to 50 percent of the design and study costs of a
2 Federal storage project and up to 50 percent of the
3 construction costs of a Federal storage project.

4 (3) CONDITIONS FOR FEDERAL DESIGN AND
5 STUDY FUNDING.—Funding provided under this
6 subsection may be made available for the design and
7 study of a Federal storage project if—

8 (A) the Secretary secures a cost share
9 agreement for design and study costs providing
10 sufficient upfront funding to pay the non-Fed-
11 eral share of the design and study costs of the
12 Federal storage project; and

13 (B) the feasibility study for the Federal
14 storage project is congressionally authorized by
15 reference to the annual Report to Congress on
16 Future Storage Project Development prepared
17 under section 81212.

18 (4) CONDITIONS FOR FEDERAL CONSTRUCTION
19 FUNDING.—Funding provided under this subsection
20 for the construction of a Federal storage project
21 may be made available to a project if—

22 (A) the project has been authorized by
23 name in a Federal statute;

24 (B) the project is a multi-benefit project
25 that would, at a minimum, provide water supply

1 reliability benefits (including additional storage,
2 conveyance, or new firm yield) and fish and
3 wildlife benefits as determined by the final esti-
4 mate prepared pursuant to subsection (g);

5 (C) construction funding for the project is
6 congressionally approved by reference to the an-
7 nual Report to Congress on Future Storage
8 Project Development prepared under section
9 81212;

10 (D) the Secretary secures an agreement
11 providing sufficient upfront funding to pay the
12 non-Federal share of the construction costs of
13 the Federal storage project; and

14 (E) The Secretary determines—

15 (i) the project is technically and finan-
16 cially feasible;

17 (ii) the project provides water supply
18 reliability benefits for a State or local gov-
19 ernment and fish and wildlife benefits; and

20 (iii) in return for the Federal cost-
21 share investment in the project, at least a
22 proportionate share of the project benefits
23 are for—

24 (I) fish and wildlife benefits as
25 determined under subsection (g); or

1 (II) non-reimbursable expenses
2 authorized under the reclamation laws
3 other than fish and wildlife expenses.

4 (5) NOTIFICATION.—The Secretary shall sub-
5 mit to the relevant committees of Congress and
6 make publicly available on the internet a written no-
7 tification of the Secretary's determinations regarding
8 the satisfaction of the requirements under para-
9 graphs (3) and (4) by not later than 30 days after
10 the date of the determinations.

11 (6) ENVIRONMENTAL LAWS.—In participating
12 in a Federal storage project under this subsection,
13 the Secretary shall comply with all applicable Fed-
14 eral environmental laws, including the National En-
15 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.), and all State environmental laws of the Rec-
17 lamation State in which the project is located involv-
18 ing the construction, expansion or operation of a
19 water storage project or fish and wildlife protection,
20 provided that no law or regulation of a State or po-
21 litical subdivision of a State relieve the Secretary of
22 any Federal requirement otherwise applicable under
23 this section.

1 (7) ADDITIONAL GUIDELINES FOR RESTORA-
2 TION PROJECTS THAT REDUCE THE RISK OF WATER
3 STORAGE LOSSES.—

4 (A) REQUIREMENTS.—A restoration
5 project described in section 81213(a)(3)(B)
6 that receives funding under this subsection
7 must—

8 (i) have the potential to reduce the
9 risk of water storage losses for a Federal
10 storage project described in subsection
11 (a)(3)(A) by reducing the risk of erosion or
12 sediment loading; and

13 (ii) be designed to result in fish and
14 wildlife benefits.

15 (B) DRAFT FEASIBILITY STUDY.—Not
16 later than 180 days after the date of the enact-
17 ment of this Act, the Secretary shall issue draft
18 requirements for feasibility studies for Federal
19 storage projects described in section
20 81213(a)(3)(B).

21 (C) FEASIBILITY STUDY REQUIRE-
22 MENTS.—The draft feasibility study require-
23 ments issued under subparagraph (B) shall be
24 consistent with requirements for a title XVI
25 Feasibility Study Report, including the eco-

1 nomic analysis, contained in the Reclamation
2 Manual Directives and Standards numbered
3 WTR 11–01, subject to any additional require-
4 ments necessary to provide sufficient informa-
5 tion for making determinations under this sec-
6 tion.

7 (D) FINAL FEASIBILITY STUDY REQUIRE-
8 MENTS.—The Secretary shall finalize the feasi-
9 bility study requirements under subparagraph
10 (C) by not later than 1 year after the date of
11 the enactment of this Act.

12 (E) ELIGIBLE PARTNER.—The Secretary
13 is authorized to participate in a restoration
14 project described in subsection (a)(3)(B) with a
15 partner that is—

16 (i) an eligible entity as defined in sub-
17 section (a)(2); or

18 (ii) a qualified partner as defined in
19 subsection (a)(8).

20 (d) MAJOR FEDERALLY ASSISTED STORAGE
21 PROJECTS.—

22 (1) IN GENERAL.—In accordance with this sub-
23 section, the Secretary shall establish a competitive
24 grant program to participate in the design, study,
25 construction, expansion, upgrade, or capital repair of

1 a major federally assisted storage project on request
2 of an eligible entity or qualified partner. The com-
3 petitive grant program established under this para-
4 graph shall—

5 (A) allow any project sponsor of a major
6 federally assisted storage project to apply for
7 funding for the design, study, construction, ex-
8 pansion, upgrade, or capital repair of a major
9 federally assisted storage project;

10 (B) include the issuance of annual solicita-
11 tions for major federally assisted storage
12 project sponsors to apply for funding for the
13 design, study, construction, expansion, upgrade,
14 or capital repair of a major federally assisted
15 storage project; and

16 (C) permit the Secretary to fund up to 25
17 percent of the design and study costs of a
18 major federally assisted storage project and up
19 to 25 percent of the construction costs of a
20 major federally assisted storage project.

21 (2) FUNDING PRIORITY FOR MULTI-BENEFIT
22 PROJECTS.—In making grants under this subsection,
23 the Secretary shall give funding priority to multi-
24 benefit projects that provide greater—

1 (A) water supply reliability benefits for
2 States and local governments; and

3 (B) fish and wildlife benefits.

4 (3) CONDITIONS FOR FEDERAL DESIGN AND
5 STUDY FUNDING.—The Secretary may fund a design
6 or study activity for a major federally assisted stor-
7 age project under this subsection if—

8 (A) the Governor of the State in which the
9 major federally assisted storage project is lo-
10 cated provides written concurrence for the de-
11 sign and study activities;

12 (B) the Secretary secures an agreement for
13 design and study costs providing sufficient up-
14 front funding to pay the non-Federal share of
15 the design and study costs of the major feder-
16 ally assisted storage project; and

17 (C) the feasibility study for the major fed-
18 erally assisted storage project is congressionally
19 authorized by reference to the annual Report to
20 Congress on Future Storage Project Develop-
21 ment prepared under section 81212.

22 (4) CONDITIONS FOR FEDERAL CONSTRUCTION
23 FUNDING.—Funding provided under this subsection
24 for the construction of a major federally assisted

1 storage project may be made available to a project
2 if—

3 (A) the project has been authorized by
4 name in a Federal statute;

5 (B) the project is a multi-benefit project
6 that would, at a minimum, provide water supply
7 reliability benefits (including additional storage,
8 conveyance, or new firm yield) and fish and
9 wildlife benefits as determined by the estimate
10 prepared pursuant to subsection (g);

11 (C) the Governor of the State in which the
12 major federally assisted storage project is lo-
13 cated has requested Federal participation at the
14 time construction is initiated;

15 (D) the Secretary secures an agreement
16 committing to pay the non-Federal share of the
17 capital costs of the major federally assisted
18 storage project; and

19 (E) the Secretary determines—

20 (i) the project is technically and finan-
21 cially feasible;

22 (ii) the project provides water supply
23 reliability benefits for a State or local gov-
24 ernment and fish and wildlife benefits; and

1 (iii) in return for the Federal cost-
2 share investment in the project, at least a
3 proportionate share of the project benefits
4 are for—

5 (I) fish and wildlife benefits as
6 determined under subsection (g); or

7 (II) other non-reimbursable ex-
8 penses authorized under the reclama-
9 tion laws other than fish and wildlife
10 expenses.

11 (5) NOTIFICATION.—The Secretary shall sub-
12 mit to the relevant committees of Congress and
13 make publicly available on the internet a written no-
14 tification of the Secretary's determinations regarding
15 the satisfaction of the requirements under para-
16 graphs (3) and (4) by not later than 30 days after
17 the date of the determinations.

18 (6) ENVIRONMENTAL LAWS.—In participating
19 in a major federally assisted storage project under
20 this subsection, the Secretary shall comply with all
21 applicable Federal environmental laws, including the
22 National Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.), and all State environmental
24 laws of the Reclamation State in which the project
25 is located involving the construction, expansion or

1 operation of a water storage project or fish and wild-
2 life protection, provided that no law or regulation of
3 a State or political subdivision of a State relieve the
4 Secretary of any Federal requirement otherwise ap-
5 plicable under this section.

6 (7) INFORMATION.—

7 (A) IN GENERAL.—In participating in a
8 major federally assisted storage project under
9 this subsection, the Secretary—

10 (i) may consider the use of feasibility
11 or equivalent studies prepared by the spon-
12 sor of the major federally assisted storage
13 project; but

14 (ii) shall retain responsibility for de-
15 termining whether the feasibility or equiva-
16 lent studies satisfy the requirements of re-
17 ports prepared by the Secretary.

18 (B) GUIDELINES.—

19 (i) DRAFT.—Not later than 180 days
20 after the date of the enactment of this Act,
21 the Secretary shall issue draft guidelines
22 for feasibility or equivalent studies for
23 major federally assisted storage projects
24 prepared by a project sponsor that shall be
25 consistent with requirements for a title

1 XVI Feasibility Study Report, including
2 the economic analysis, contained in the
3 Reclamation Manual Directives and Stand-
4 ards numbered WTR 11-01, subject to—

5 (I) any additional requirements
6 necessary to provide sufficient infor-
7 mation for making any determinations
8 or assessments under paragraphs (2),
9 (3), and (4); and

10 (II) the condition that the Bu-
11 reau of Reclamation shall not bear re-
12 sponsibility for the technical adequacy
13 of any design, cost estimate, or con-
14 struction relating to a major federally
15 assisted storage project.

16 (ii) FINAL.—The Secretary shall final-
17 ize the guidelines under clause (i) by not
18 later than 1 year after the date of the en-
19 actment of this Act.

20 (C) TECHNICAL ASSISTANCE FOR FEASI-
21 BILITY STUDIES.—

22 (i) TECHNICAL ASSISTANCE.—At the
23 request of an eligible entity or qualified
24 partner, the Secretary shall provide to the
25 eligible entity or qualified partner technical

1 assistance relating to any aspect of a feasi-
2 bility study carried out by the eligible enti-
3 ty or qualified partner under this sub-
4 section if the eligible entity or qualified
5 partner contracts with the Secretary to pay
6 all costs of providing the technical assist-
7 ance.

8 (ii) IMPARTIAL DECISIONMAKING.—In
9 providing technical assistance under clause
10 (i), the Secretary shall ensure that the use
11 of funds accepted from an eligible entity or
12 qualified partner will not affect the impar-
13 tial decisionmaking responsibilities of the
14 Secretary, either substantively or proce-
15 durally.

16 (iii) EFFECT OF TECHNICAL ASSIST-
17 ANCE.—The provision of technical assist-
18 ance by the Secretary under clause (i) shall
19 not be considered to be an approval or en-
20 dorsement of a feasibility study.

21 (8) ELIGIBLE PARTNER.—The Secretary is au-
22 thorized to participate in a restoration project de-
23 scribed in subsection (a)(4)(B) with a partner that
24 is—

1 (A) an eligible entity as defined in sub-
2 section (a)(2); or

3 (B) a qualified partner as defined in sub-
4 section (a)(8).

5 (e) NATURAL WATER STORAGE PROJECTS.—

6 (1) IN GENERAL.—In accordance with this sub-
7 section, the Secretary shall establish a competitive
8 grant program to participate in the design, study,
9 construction, expansion, upgrade, or capital repair of
10 a natural water storage project in a Reclamation
11 State on request of an eligible entity or qualified
12 partner. The competitive grant program established
13 under this paragraph shall—

14 (A) allow any project sponsor of a natural
15 water storage project to apply for funding for
16 the design, study, construction, expansion, up-
17 grade, or capital repair of a natural water stor-
18 age project; and

19 (B) include the issuance of annual solicita-
20 tions for natural water storage project sponsors
21 to apply for funding for the design, study, con-
22 struction, expansion, upgrade, or capital repair
23 of a natural water storage project.

24 (2) FUNDING PRIORITY FOR MULTI-BENEFIT
25 PROJECTS.—In making grants under this subsection,

1 the Secretary shall give funding priority to multi-
2 benefit projects that provide greater—

3 (A) water supply reliability benefits for
4 States and local governments; and

5 (B) fish and wildlife benefits.

6 (3) FEDERAL SHARE.—Subject to the require-
7 ments of this subsection, the Secretary may provide
8 funding to an eligible entity or qualified partner for
9 the design, study, construction, expansion, upgrade,
10 or capital repair of a natural water storage project
11 in an amount equal to not more than 80 percent of
12 the total cost of the natural water storage project.

13 (4) CONDITIONS FOR FEDERAL DESIGN AND
14 STUDY FUNDING.—The Secretary may fund a design
15 or study activity for a natural water storage project
16 under this subsection if the Governor of the State in
17 which the natural water storage project is located
18 provides written concurrence for design and study
19 activities.

20 (5) CONDITIONS FOR FEDERAL CONSTRUCTION
21 FUNDING.—Funding provided under this subsection
22 for the construction of a natural water storage
23 project may be made available to a project if—

24 (A) the Governor of the State in which the
25 natural water storage project is located has re-

1 requested Federal participation at the time con-
2 struction was initiated;

3 (B) the Secretary determines or the appli-
4 cable non-Federal sponsor determines through
5 the preparation of a feasibility or equivalent
6 study prepared in accordance to paragraph (9),
7 and the Secretary concurs, that—

8 (i) the project is technically and finan-
9 cially feasible;

10 (ii) the project provides water supply
11 reliability benefits for a State or local gov-
12 ernment and fish and wildlife benefits; and

13 (iii) in return for the Federal cost-
14 share investment in the project, at least a
15 proportionate share of the project benefits
16 are for non-reimbursable expenses author-
17 ized under the reclamation laws or for fish
18 and wildlife benefits as defined in this sec-
19 tion, which shall be considered a fully non-
20 reimbursable Federal expenditure; and

21 (C) the Secretary secures an agreement
22 committing to pay the non-Federal share of the
23 construction costs of the project.

24 (6) ENVIRONMENTAL LAWS.—In participating
25 in a natural water storage project under this sub-

1 section, the Secretary shall comply with all applica-
2 ble Federal environmental laws, including the Na-
3 tional Environmental Policy Act of 1969 (42 U.S.C.
4 4321 et seq.), and all State environmental laws of
5 the Reclamation State in which the project is located
6 involving the construction, expansion or operation of
7 a water storage project or fish and wildlife protec-
8 tion, provided that no law or regulation of a State
9 or political subdivision of a State relieve the Sec-
10 retary of any Federal requirement otherwise applica-
11 ble under this section.

12 (7) INFORMATION.—In participating in a nat-
13 ural water storage project under this subsection, the
14 Secretary—

15 (A) may consider the use of feasibility or
16 equivalent studies prepared by the sponsor of
17 the natural water storage project if the sponsor
18 elects to prepare such reports; but

19 (B) shall retain responsibility for deter-
20 mining whether the feasibility or equivalent
21 studies satisfy the requirements of studies pre-
22 pared by the Secretary.

23 (8) NOTIFICATION.—The Secretary shall sub-
24 mit to the relevant committees of Congress and
25 make publicly available on the internet a written no-

1 tification of the Secretary's determinations regarding
2 the satisfaction of the requirements under para-
3 graphs (4) and (5) by not later than 30 days after
4 the date of the determinations.

5 (9) GUIDELINES.—

6 (A) DRAFT.—Not later than 180 days
7 after the date of the enactment of this Act, the
8 Secretary shall issue draft guidelines for feasi-
9 bility or equivalent studies for natural water
10 storage projects prepared by a project sponsor
11 that shall be consistent with this subsection,
12 provided that the Department of the Interior
13 shall not bear responsibility for the technical
14 adequacy of any design, cost estimate, or con-
15 struction relating to a natural water storage
16 project.

17 (B) FINAL.—The Secretary shall finalize
18 the guidelines under subparagraph (A) by not
19 later than 1 year after the date of the enact-
20 ment of this Act.

21 (C) TECHNICAL ASSISTANCE FOR FEASI-
22 BILITY STUDIES.—

23 (i) TECHNICAL ASSISTANCE.—At the
24 request of an eligible entity or qualified
25 partner, the Secretary shall provide to the

1 eligible entity or qualified partner technical
2 assistance relating to any aspect of a feasi-
3 bility study carried out by an eligible entity
4 or qualified partner under this subsection
5 if the eligible entity or qualified partner
6 contracts with the Secretary to pay all
7 costs of providing the technical assistance.

8 (ii) IMPARTIAL DECISIONMAKING.—In
9 providing technical assistance under clause
10 (i), the Secretary shall ensure that the use
11 of funds accepted from an eligible entity or
12 qualified partner will not affect the impar-
13 tial decisionmaking responsibilities of the
14 Secretary, either substantively or proce-
15 durally.

16 (iii) EFFECT OF TECHNICAL ASSIST-
17 ANCE.—The provision of technical assist-
18 ance by the Secretary under clause (i) shall
19 not be considered to be an approval or en-
20 dorsement of a feasibility study.

21 (f) STANDARD FEDERALLY ASSISTED STORAGE
22 PROJECTS.—

23 (1) IN GENERAL.—In accordance with this sub-
24 section, the Secretary shall establish a competitive
25 grant program to participate in the design, study,

1 construction, expansion, upgrade, or capital repair of
2 a standard federally assisted storage project on re-
3 quest of an eligible entity or qualified partner. The
4 competitive grant program established under this
5 paragraph shall—

6 (A) allow any project sponsor of a stand-
7 ard federally assisted storage project to apply
8 for funding for the design, study, construction,
9 expansion, upgrade, or capital repair of a feder-
10 ally assisted storage project;

11 (B) include the issuance of annual sollicita-
12 tions for standard federally assisted storage
13 project sponsors to apply for funding for the
14 design, study, construction, expansion, upgrade
15 or capital repair of a standard federally assisted
16 storage project; and

17 (C) permit the Secretary to fund up to 25
18 percent of the total cost of a federally assisted
19 storage project.

20 (2) SELECTION OF PROJECTS.—In making
21 grants under this subsection, the Secretary shall give
22 funding priority to projects that—

23 (A) provide greater water supply reliability
24 benefits for States and local governments, in-
25 cluding through aquifer storage and recovery

1 wells, in-lieu recharge activities that could be
2 effectuated or expanded through additional in-
3 frastructure investments including interties,
4 and the establishment and use of recharge
5 ponds, including in an urban environment;

6 (B) provide greater fish and wildlife bene-
7 fits; and

8 (C) cost not more than \$30,000,000 to
9 allow greater participation and wider distribu-
10 tion of funds and program benefits.

11 (3) CONDITIONS FOR FEDERAL DESIGN AND
12 STUDY FUNDING.—The Secretary may fund a design
13 or study activity for a standard federally assisted
14 storage project under this subsection if the Governor
15 of the State in which the federally assisted storage
16 project is located provides written concurrence for
17 design and study activities.

18 (4) CONDITIONS FOR FEDERAL CONSTRUCTION
19 FUNDING.—Funding provided under this subsection
20 for the construction of a standard federally assisted
21 storage project may be made available to a project
22 if—

23 (A) the Governor of the State in which the
24 federally assisted storage project is located has

1 requested Federal participation at the time con-
2 struction was initiated; and

3 (B) the Secretary determines or the appli-
4 cable non-Federal sponsor determines through
5 the preparation of a feasibility or equivalent
6 study prepared in accordance with paragraph
7 (7), and the Secretary concurs, that—

8 (i) the standard federally assisted
9 storage project is technically and finan-
10 cially feasible;

11 (ii) the standard federally assisted
12 storage project provides water supply reli-
13 ability benefits for a State or local govern-
14 ment and fish and wildlife benefits; and

15 (iii) in return for the Federal cost-
16 share investment in the project, at least a
17 proportionate share of the project benefits
18 are for non-reimbursable expenses author-
19 ized under the reclamation laws or for fish
20 and wildlife benefits as defined in this sec-
21 tion, which shall be considered a fully non-
22 reimbursable Federal expenditure; and

23 (C) the Secretary secures an agreement
24 committing to pay the non-Federal share of the
25 construction costs of the project.

1 (5) NOTIFICATION.—The Secretary shall sub-
2 mit to the relevant committees of Congress and
3 make publicly available on the internet a written no-
4 tification of the Secretary’s determinations regarding
5 the satisfaction of the requirements under para-
6 graphs (3) and (4) by not later than 30 days after
7 the date of the determinations.

8 (6) ENVIRONMENTAL LAWS.—In participating
9 in a standard federally assisted storage project
10 under this subsection, the Secretary shall comply
11 with all applicable Federal environmental laws, in-
12 cluding the National Environmental Policy Act of
13 1969 (42 U.S.C. 4321 et seq.), and all State envi-
14 ronmental laws of the Reclamation State in which
15 the project is located involving the construction, ex-
16 pansion or operation of a water storage project or
17 fish and wildlife protection, provided that no law or
18 regulation of a State or political subdivision of a
19 State relieve the Secretary of any Federal require-
20 ment otherwise applicable under this section.

21 (7) INFORMATION.—

22 (A) IN GENERAL.—In participating in a
23 standard federally assisted storage project
24 under this subsection, the Secretary—

1 (i) may consider the use of feasibility
2 or equivalent studies prepared by the spon-
3 sor of the standard federally assisted stor-
4 age project; but

5 (ii) shall retain responsibility for de-
6 termining whether the feasibility or equiva-
7 lent studies satisfy the requirements of re-
8 ports prepared by the Secretary.

9 (B) GUIDELINES.—

10 (i) DRAFT.—Not later than 180 days
11 after the date of the enactment of this Act,
12 the Secretary shall issue draft guidelines
13 for feasibility or equivalent studies for
14 standard federally assisted storage projects
15 prepared by a project sponsor that shall be
16 consistent with requirements for a title
17 XVI Feasibility Study Report, including
18 the economic analysis, contained in the
19 Reclamation Manual Directives and Stand-
20 ards numbered WTR 11–01, subject to—

21 (I) any additional requirements
22 necessary to provide sufficient infor-
23 mation for making any determinations
24 or assessments under paragraphs (2),
25 (3) and (4); and

1 (II) the condition that the De-
2 partment of the Interior shall not
3 bear responsibility for the technical
4 adequacy of any design, cost estimate,
5 or construction relating to a standard
6 federally assisted storage project.

7 (ii) FINAL.—The Secretary shall final-
8 ize the guidelines under clause (i) by not
9 later than 1 year after the date of the en-
10 actment of this Act.

11 (C) TECHNICAL ASSISTANCE FOR FEASI-
12 BILITY STUDIES.—

13 (i) TECHNICAL ASSISTANCE.—At the
14 request of an eligible entity or qualified
15 partner, the Secretary shall provide to the
16 eligible entity or qualified partner technical
17 assistance relating to any aspect of a feasi-
18 bility study carried out by an eligible entity
19 or qualified partner under this subsection
20 if the eligible entity or qualified partner
21 contracts with the Secretary to pay all
22 costs of providing the technical assistance.

23 (ii) IMPARTIAL DECISIONMAKING.—In
24 providing technical assistance under clause
25 (i), the Secretary shall ensure that the use

1 of funds accepted from an eligible entity or
2 qualified partner will not affect the impar-
3 tial decisionmaking responsibilities of the
4 Secretary, either substantively or proce-
5 durally.

6 (iii) EFFECT OF TECHNICAL ASSIST-
7 ANCE.—The provision of technical assist-
8 ance by the Secretary under clause (i) shall
9 not be considered to be an approval or en-
10 dorsement of a feasibility study.

11 (8) COMMITTEE RESOLUTION PROCEDURE.—

12 (A) IN GENERAL.—No appropriation shall
13 be made for a standard federally assisted stor-
14 age project under this subsection, the total esti-
15 mated cost of which exceeds \$100,000,000, if
16 such project has not been approved by a resolu-
17 tion adopted by the Committee on Natural Re-
18 sources of the House of Representatives and the
19 Committee on Energy and Natural Resources of
20 the Senate.

21 (B) REQUIREMENTS FOR SECURING CON-
22 sideration.—For the purposes of securing
23 consideration of approval under subparagraph
24 (A), the Secretary shall provide to a committee
25 referred to in subparagraph (A) such informa-

1 tion as the committee requests and the non-
2 Federal sponsor shall provide to the committee
3 information on the costs and relative needs for
4 the federally assisted storage project.

5 (9) ELIGIBLE PARTNER.—The Secretary is au-
6 thorized to participate in a restoration project de-
7 scribed in subsection (a)(7)(B) with a partner that
8 is—

9 (A) an eligible entity as defined in sub-
10 section (a)(2); or

11 (B) a qualified partner as defined in sub-
12 section (a)(8).

13 (g) FISH AND WILDLIFE LOSSES AND BENEFITS.—

14 (1) DEFINITIONS.—In this subsection—

15 (A) The term “Best available scientific in-
16 formation and data” means the use of the high-
17 value information and data, specific to the deci-
18 sion being made and the time frame available
19 for making that decision, to inform and assist
20 management and policy decisions;

21 (B) The term “Director” means—

22 (i) the Director of the United States
23 Fish and Wildlife Service; or

24 (ii) the United States Secretary of
25 Commerce, acting through the Assistant

1 Administrator of the National Marine
2 Fisheries Service, if a determination or
3 fish and wildlife estimate made under this
4 subsection is for an anadromous species or
5 catadromous species.

6 (C) The term “major water storage
7 project” means a major federally assisted stor-
8 age project or Federal storage project as de-
9 fined under section 81212.

10 (2) PURPOSES.—The purposes of this sub-
11 section are the following:

12 (A) To reverse widespread fish and wildlife
13 species decline in the Reclamation States.

14 (B) To help fund and assist in the prepa-
15 ration of reports required under the Fish and
16 Wildlife Coordination Act for proposed water
17 development projects.

18 (C) To instruct the Director to prepare a
19 report described in section 2(b) of the Fish and
20 Wildlife Coordination Act (16 U.S.C. 662(b))
21 for each major water storage project that in-
22 cludes an estimate of fish and wildlife losses
23 and fish and wildlife benefits derived from each
24 such project, based on the best available sci-
25 entific information and data.

1 (D) To direct Federal funds to major
2 water storage projects that provide demon-
3 strable, measurable fish and wildlife benefits
4 and associated ecosystem services benefits for
5 taxpayers based on objective data and the ex-
6 pertise of the primary Federal agency with ju-
7 risdiction over the management of fish and
8 wildlife resources.

9 (E) To ensure that Federal funds provided
10 for fish and wildlife purposes under this section
11 are used effectively in a manner that maximizes
12 positive outcomes for fish and wildlife and asso-
13 ciated ecosystem services benefits for taxpayers,
14 including benefits related to the domestic sea-
15 food supply and the enhancement and expan-
16 sion of hunting, fishing, and other fish and
17 wildlife related outdoor recreation opportunities
18 within the Reclamation States.

19 (3) ESTIMATION OF FISH AND WILDLIFE BENE-
20 FITS AND LOSSES UNDER THE FISH AND WILDLIFE
21 COORDINATION ACT.—The Director shall prepare a
22 report described in section 2(b) of the Fish and
23 Wildlife Coordination Act (16 U.S.C. 662(b)), for
24 each major water storage project that—

1 (A) is based on the best available scientific
2 information and data available; and

3 (B) includes an estimate of fish and wild-
4 life losses and fish and wildlife benefits derived
5 from a major water storage project determined
6 in accordance with this subsection.

7 (4) DRAFT ESTIMATE.—

8 (A) USE OF BEST AVAILABLE SCIENTIFIC
9 INFORMATION AND DATA AVAILABLE.—The Di-
10 rector shall include in the Fish and Wildlife Co-
11 ordination Act report prepared under paragraph
12 (3) a draft estimate of fish and wildlife losses
13 and fish and wildlife benefits derived from a
14 major water storage project.

15 (B) COORDINATION.—A draft estimate re-
16 quired under subparagraph (A) shall be pre-
17 pared in coordination with the head of the State
18 agency with jurisdiction over the fish and wild-
19 life resources of the State in which the major
20 water storage project is proposed to be carried
21 out.

22 (C) APPLICABLE LAW; REQUIREMENTS.—
23 The draft estimate prepared under this para-
24 graph shall—

1 (i) meet all the evaluation require-
2 ments of section 2(b) of the Fish and
3 Wildlife Coordination Act (16 U.S.C.
4 662(b)) unless otherwise specified in this
5 subsection;

6 (ii) quantify and estimate the fish and
7 wildlife benefits and any losses to native
8 fish and wildlife from the proposed major
9 water storage project; and

10 (iii) estimate whether the fish and
11 wildlife benefits derived from the proposed
12 major water storage project are likely to
13 exceed the adverse fish and wildlife im-
14 pacts.

15 (D) REVIEW; AVAILABILITY.—The Direc-
16 tor shall ensure that any draft estimate pre-
17 pared under this paragraph is—

18 (i) made available for peer review by
19 an independent group of scientific experts;
20 and

21 (ii) made available for a public review
22 and comment period of not less than 30
23 days.

24 (5) FINAL ESTIMATE.—Using the best available
25 scientific information and data, the Director shall

1 prepare a final estimate of fish and wildlife benefits
2 for each proposed major water storage project based
3 on the applicable draft estimate prepared under
4 paragraph (4), after considering the results of the
5 independent scientific peer review and public com-
6 ment processes under paragraph (4)(D).

7 (6) TRANSMISSION; AVAILABILITY.—A final es-
8 timate prepared under paragraph (5) shall be—

9 (A) transmitted to—

10 (i) the project applicant;

11 (ii) the relevant State agency; and

12 (B) made available to the public.

13 (7) RECOMMENDATIONS.—If a final estimate
14 under paragraph (5) determines that the proposed
15 major water storage project fails to provide fish and
16 wildlife benefits, the final estimate may identify po-
17 tential recommendations to enable the project to
18 provide fish and wildlife benefits or to reduce the
19 project’s adverse fish and wildlife impacts.

20 (8) IMPORTATION OF REVIEW STANDARDS.—

21 Sections 207(i) and 207(j) of the Reclamation
22 Projects Authorization and Adjustment Act of 1992
23 (Public Law 102–575; 106 Stat. 4709) shall apply
24 to a final estimate prepared under paragraph (5),
25 except that—

1 (A) any reference contained in those sec-
2 tions to the Secretary shall be considered to be
3 a reference to the Director as defined in this
4 subsection;

5 (B) any reference contained in those sec-
6 tions to determination or determinations shall
7 be considered to be a reference to estimate or
8 estimates described in this subsection; and

9 (C) any reference contained in those sec-
10 tions to subsections (b), (f)(1), or (g) shall be
11 considered to be a reference to paragraph (5) of
12 this subsection.

13 (D) any reference contained in those sec-
14 tions to “this subsection” shall be considered to
15 be a reference to section 81213(g) of the Mov-
16 ing Forward Act.

17 (9) FUNDING FOR ESTIMATES.—There is au-
18 thorized to be appropriated \$10,000,000 through fis-
19 cal year 2026 for the United States Fish and Wild-
20 life Service to prepare draft estimates under para-
21 graph (4) and final estimates under paragraph (5).

22 (10) ADDITIONAL FUNDING FOR ESTIMATES.—
23 The authority under section 662(e) of the Fish and
24 Wildlife Coordination Act (16 U.S.C. 662(b)) to
25 transfer funds from the Bureau of Reclamation to

1 the United States Fish and Wildlife Service for Fish
2 and Wildlife Coordination Act reports for proposed
3 water development projects shall be deemed to ex-
4 tend to the preparation of a draft or final estimate
5 prepared under paragraphs (4) or (5), provided that
6 any transfer of funds generally adheres to the 1981
7 Transfer Funding Agreement between the United
8 States Fish and Wildlife Service and the Bureau of
9 Reclamation or any successor agreement, to the ex-
10 tent that any such agreement is consistent with the
11 requirements of this subsection.

12 (11) AGENCY RESPONSIBILITIES.—The respon-
13 sibility for preparing a draft and final estimate
14 under this subsection shall reside with the United
15 States Fish and Wildlife Service and may not be del-
16 egated to another entity, including another Federal
17 agency or bureau, except for the United States Sec-
18 retary of Commerce, acting through the Assistant
19 Administrator of the National Marine Fisheries
20 Service, for the preparation of a draft or final esti-
21 mate for anadromous species or catadromous spe-
22 cies.

23 (12) USE OF FISH AND WILDLIFE ESTIMATES
24 TO INFORM FEDERAL SPENDING FOR FISH AND
25 WILDLIFE PURPOSES.—With respect to a major

1 water storage project considered for Federal funding
2 under this section, the Director shall determine costs
3 allocated to the specific purpose of providing fish
4 and wildlife benefits, based on the fish and wildlife
5 benefits estimate for the applicable project or the
6 best available scientific information and data avail-
7 able at the time a cost allocation determination is
8 made. In determining a cost allocation under this
9 paragraph, the Director shall consult with the Com-
10 missioner of the Bureau of Reclamation and may
11 make a cost allocation determination for fish and
12 wildlife benefits in accordance with existing cost allo-
13 cation procedures, to the extent that such proce-
14 dures are consistent with the requirements of this
15 subsection. Cost allocation determinations for all
16 other non-reimbursable or reimbursable project pur-
17 poses for a major water storage project advanced
18 under this section shall be determined in accordance
19 with existing cost allocation procedures under the
20 reclamation laws.

21 (h) PRELIMINARY STUDIES.—Of the amounts made
22 available under subsection (b), not more than 25 percent
23 shall be provided for appraisal studies, feasibility studies,
24 or other preliminary studies.

1 (i) PROVIDING GREATER FEDERAL FUNDING AND
2 SUPPORT FOR MULTI-BENEFIT STORAGE PROJECTS.—
3 Notwithstanding any non-Federal cost share requirement
4 under the reclamation laws for water development
5 projects, any cost allocated to a water storage project
6 under this section for the sole purpose of providing fish
7 and wildlife benefits, determined in accordance with all ap-
8 plicable requirements under this section, shall be consid-
9 ered a 100 percent non-reimbursable Federal cost.

10 (j) CALFED REAUTHORIZATION.—

11 (1) REAUTHORIZATION.—Title I of Public Law
12 108–361 (118 Stat. 1681; 123 Stat. 2860; 128 Stat.
13 164; 128 Stat. 2312; 129 Stat. 2407; 130 Stat.
14 1866) is amended by striking “2020” each place it
15 appears and inserting “2024”.

16 (2) CALFED DESCRIPTION OF ACTIVITIES.—
17 Subparagraph 103(f)(1)(A) of Public Law 108–361
18 (118 Stat. 1694) is amended by striking “, except
19 that” and all that follows through the end of the
20 subparagraph.

21 (k) EFFECT.—Nothing in this section is intended to
22 authorize Federal funds made available under subsection
23 (b) for a project led by a non-profit organization, as de-
24 scribed in subsection (a)(7), except for a project that is
25 a natural water storage project or forest restoration, wa-

1 tersed restoration or other restoration project that re-
2 duces the risk of water storage loss described in subsection
3 (a).

4 **SEC. 81214. EXTENSION OF EXISTING REQUIREMENTS FOR**
5 **GRANDFATHERED STORAGE PROJECTS.**

6 (a) PURPOSE; DEFINITION.—

7 (1) PURPOSE.—The purpose of this section is
8 to establish an expedited project advancement proc-
9 ess for certain water storage projects that have al-
10 ready received some degree of evaluation under the
11 Water Infrastructure Improvements for the Nation
12 Act (Public Law 114–322) or under certain State
13 water storage project evaluations.

14 (2) DEFINITION OF GRANDFATHERED STORAGE
15 PROJECT.—In this section, the term “grandfathered
16 storage project” means a storage project that has al-
17 ready been recommended for funding made available
18 under section 4007 of the Water Infrastructure Im-
19 provements for the Nation Act (Public Law 114–
20 322) by the Secretary or a State governor prior to
21 June 1, 2020, except for any project within the
22 State of California that—

23 (A) has been evaluated for State storage
24 funding awards by the California Water Com-
25 mission pursuant to the California Water Qual-

1 ity, Supply, and Infrastructure Improvement
2 Act, approved by California voters on November
3 4, 2014, and failed to receive a maximum con-
4 ditional eligibility determination of at least
5 \$200 million; or

6 (B) is an on-stream storage project that
7 has not been evaluated for State storage fund-
8 ing awards by the California Water Commission
9 pursuant to the California Water Quality, Sup-
10 ply, and Infrastructure Improvement Act, ap-
11 proved by California voters on November 4,
12 2014.

13 (b) IN GENERAL.—Notwithstanding any other re-
14 quirements of this subtitle, grandfathered storage projects
15 shall be eligible to receive funding authorized under sec-
16 tion 81213(b) of this subtitle in accordance with this sub-
17 section.

18 (c) REQUIREMENTS.—

19 (1) IMPORTATION OF WIIN ACT REQUIRE-
20 MENTS.—The following requirements shall apply to
21 grandfathered storage projects: sections 4007(c)(1)
22 through 4007(c)(4), section 4007(f), and section
23 4007(h)(2) of the Water Infrastructure Improve-
24 ments for the Nation Act (Public Law 114–322), ex-
25 cept that any reference contained in those sections

1 to State-led storage projects shall be considered to
2 be a reference to grandfathered storage projects.

3 (2) PRIORITIZATION.—The Secretary shall give
4 funding priority among grandfathered storage
5 projects to those that provide greater and more reli-
6 able water supply benefits to wildlife refuges, species
7 listed under the Endangered Species Act of 1973
8 (16 U.S.C. 1531 et seq.), or to commercially har-
9 vested salmon species.

10 (d) APPLICABILITY OF WIIN ACT DEADLINES.—
11 Storage project deadlines described in section 4007(i) and
12 section 4013(2) of the Water Infrastructure Improve-
13 ments for the Nation Act (Public Law 114–322) shall not
14 apply to any grandfathered storage project under this sec-
15 tion.

16 **SEC. 81215. DESALINATION PROJECT DEVELOPMENT.**

17 (a) DESALINATION PROJECTS AUTHORIZATION.—
18 Section 4(a) of the Water Desalination Act of 1996 (42
19 U.S.C. 10301 note; Public Law 104–298) is amended by
20 striking the second paragraph (1) (relating to projects)
21 and inserting the following:

22 “(2) PROJECTS.—

23 “(A) DEFINITIONS.—In this paragraph:

1 “(i) ELIGIBLE DESALINATION
2 PROJECT.—The term ‘eligible desalination
3 project’ means any project located in a
4 Reclamation State that—

5 “(I) involves an ocean or brack-
6 ish water desalination facility—

7 “(aa) constructed, operated,
8 and maintained by a State, In-
9 dian Tribe, municipality, irriga-
10 tion district, water district, or
11 other organization with water or
12 power delivery authority; or

13 “(bb) sponsored or funded
14 by a State, department of a
15 State, political subdivision of a
16 State, municipality or public
17 agency organized pursuant to
18 State law, including through—

19 “(AA) direct sponsor-
20 ship or funding; or

21 “(BB) indirect sponsor-
22 ship or funding, such as by
23 paying for the water pro-
24 vided by the facility; and

1 “(II) provides a Federal
2 benefit in accordance with
3 the reclamation laws.

4 “(ii) RURAL DESALINATION
5 PROJECT.—The term ‘rural desalination
6 project’ means an eligible desalination
7 project that is designed to serve a commu-
8 nity or group of communities, each of
9 which has a population of not more than
10 40,000 inhabitants.

11 “(B) COST-SHARING REQUIREMENT.—

12 “(i) IN GENERAL.—Subject to the re-
13 quirements of this subsection and notwith-
14 standing section 7, the Federal share of an
15 eligible desalination project carried out
16 under this subsection shall be—

17 “(I) not more than 25 percent of
18 the total cost of the eligible desalina-
19 tion project; or

20 “(II) in the case of a rural de-
21 salination project, the applicable per-
22 centage determined in accordance
23 with clause (ii).

24 “(ii) RURAL DESALINATION
25 PROJECTS.—

1 “(I) COST-SHARING REQUIRE-
2 MENT FOR APPRAISAL STUDIES.—In
3 the case of a rural desalination project
4 carried out under this subsection, the
5 Federal share of the cost of appraisal
6 studies for the rural desalination
7 project shall be—

8 “(aa) 100 percent of the
9 total costs of the appraisal stud-
10 ies, up to \$200,000; and

11 “(bb) if the total costs of
12 the appraisal studies are more
13 than \$200,000, 50 percent of any
14 amounts over \$200,000.

15 “(II) COST-SHARING REQUIRE-
16 MENT FOR FEASIBILITY STUDIES.—In
17 the case of a rural desalination project
18 carried out under this subsection, the
19 Federal share of the cost of feasibility
20 studies for the rural desalination
21 project shall be not more than 50 per-
22 cent.

23 “(III) COST-SHARING REQUIRE-
24 MENT FOR CONSTRUCTION COSTS.—In
25 the case of a rural desalination project

1 carried out under this subsection, the
2 Federal share of the cost of construc-
3 tion of the rural desalination project
4 shall not exceed the greater of—

5 “(aa) 35 percent of the total
6 cost of construction, up to a Fed-
7 eral cost of \$20,000,000; or

8 “(bb) 25 percent of the total
9 cost of construction.

10 “(C) STATE ROLE.—Participation by the
11 Secretary in an eligible desalination project
12 under this paragraph shall not occur unless—

13 “(i)(I) the eligible desalination project
14 is included in a State-approved plan; or

15 “(II) the participation has been
16 requested by the Governor of the
17 State in which the eligible desalination
18 project is located; and

19 “(ii) the State or local sponsor of the
20 eligible desalination project determines,
21 and the Secretary concurs, that—

22 “(I) the eligible desalination
23 project—

24 “(aa) is technically and fi-
25 nancially feasible;

1 “(bb) provides a Federal
2 benefit in accordance with the
3 reclamation laws; and

4 “(cc) is consistent with ap-
5 plicable State laws, State regula-
6 tions, State coastal zone manage-
7 ment plans and other State plans
8 such as California’s Water Qual-
9 ity Control Plan for the Ocean
10 Waters in California;

11 “(II) sufficient non-Federal fund-
12 ing is available to complete the eligible
13 desalination project; and

14 “(III) the eligible desalination
15 project sponsors are financially sol-
16 vent; and

17 “(iii) the Secretary submits to Con-
18 gress a written notification of the deter-
19 minations under clause (ii) by not later
20 than 30 days after the date of the deter-
21 minations.

22 “(D) ENVIRONMENTAL LAWS.—In partici-
23 pating in an eligible desalination project under
24 this paragraph, the Secretary shall comply with
25 all applicable environmental laws, including, but

1 not limited to, the National Environmental Pol-
2 icy Act of 1969 (42 U.S.C. 4321 et seq.) and
3 State laws implementing the Coastal Zone Man-
4 agement Act.

5 “(E) INFORMATION.—In participating in
6 an eligible desalination project under this sub-
7 section, the Secretary—

8 “(i) may consider the use of reports
9 prepared by the sponsor of the eligible de-
10 salination project, including feasibility or
11 equivalent studies, environmental analyses,
12 and other pertinent reports and analyses;
13 but

14 “(ii) shall retain responsibility for
15 making the independent determinations de-
16 scribed in subparagraph (C).

17 “(F) FUNDING.—

18 “(i) AUTHORIZATION OF APPROPRIA-
19 TIONS.—There is authorized to be appro-
20 priated to carry out this paragraph
21 \$260,000,000 for the period of fiscal years
22 2021 through 2025, to remain available
23 until expended, of which not less than
24 \$15,000,000 shall be made available dur-

1 ing that period for rural desalination
2 projects.

3 “(ii) CONGRESSIONAL APPROVAL INI-
4 TIALY REQUIRED.—

5 “(I) IN GENERAL.—Each initial
6 award under this paragraph for de-
7 sign and study or for construction of
8 an eligible desalination project shall
9 be approved by an Act of Congress.

10 “(II) RECLAMATION REC-
11 COMMENDATIONS.—The Commissioner
12 of Reclamation shall submit rec-
13 ommendations regarding the initial
14 award of preconstruction and con-
15 struction funding for consideration
16 under subclause (I) to—

17 “(aa) the Committee on Ap-
18 propriations of the Senate;

19 “(bb) the Committee on En-
20 ergy and Natural Resources of
21 the Senate;

22 “(cc) the Committee on Ap-
23 propriations of the House of Rep-
24 resentatives; and

1 “(dd) the Committee on
2 Natural Resources of the House
3 of Representatives.

4 “(iii) SUBSEQUENT FUNDING
5 AWARDS.—After approval by Congress of
6 an initial award of preconstruction or con-
7 struction funding for an eligible desalina-
8 tion project under clause (ii), the Commis-
9 sioner of Reclamation may award addi-
10 tional preconstruction or construction
11 funding, respectively, for the eligible desali-
12 nation project without further congres-
13 sional approval.

14 “(G) TOTAL DOLLAR CAP.—The Secretary
15 shall not impose a total dollar cap on Federal
16 contributions for individual desalination
17 projects receiving funding under this para-
18 graph.”.

19 (b) PRIORITIZATION FOR PROJECTS.—Section 4 of
20 the Water Desalination Act of 1996 (42 U.S.C. 10301
21 note; Public Law 104–298) is amended by striking sub-
22 section (c) and inserting the following:

23 “(c) PRIORITIZATION.—In carrying out demonstra-
24 tion and development activities under this section, the Sec-

1 retary and the Commissioner of Reclamation shall each
2 prioritize projects—

3 “(1) for the benefit of drought-stricken States
4 and communities;

5 “(2) for the benefit of States that have author-
6 ized funding for research and development of desali-
7 nation technologies and projects;

8 “(3) that demonstrably reduce a reliance on im-
9 ported water supplies that have an impact on species
10 listed under the Endangered Species Act of 1973
11 (16 U.S.C. 1531 et seq.);

12 “(4) that, in a measurable and verifiable man-
13 ner, reduce a reliance on imported water supplies
14 from imperiled ecosystems such as the Sacramento-
15 San Joaquin River Delta;

16 “(5) that demonstrably leverage the experience
17 of international partners with considerable expertise
18 in desalination, such as the state of Israel;

19 “(6) that maximize use of renewable energy to
20 power desalination facilities;

21 “(7) that maximize energy efficiency so that the
22 lifecycle energy demands of desalination are mini-
23 mized;

24 “(8) located in regions that have employed
25 strategies to increase water conservation and the

1 capture and recycling of wastewater and stormwater;
2 and

3 “(9) that meet the following criteria if they are
4 ocean desalination facilities—

5 “(A) utilize a subsurface intake or, if a
6 subsurface intake is not technologically feasible,
7 an intake that uses the best available site, de-
8 sign, technology, and mitigation measures to
9 minimize the mortality of all forms of marine
10 life and impacts to coastal dependent resources;

11 “(B) are sited and designed to ensure that
12 the disposal of wastewaters including brine
13 from the desalination process—

14 “(i) are not discharged in a manner
15 that increases salinity levels in impaired
16 bodies of water, or State or Federal Ma-
17 rine Protected Areas; and

18 “(ii) achieve ambient salinity levels
19 within a reasonable distance from the dis-
20 charge point;

21 “(C) are sited, designed, and operated in a
22 manner that maintains indigenous marine life
23 and a healthy and diverse marine community;

24 “(D) do not cause significant unmitigated
25 harm to aquatic life; and

1 “(E) include a construction and operation
2 plan designed to minimize loss of coastal habi-
3 tat as well as aesthetic, noise, and air quality
4 impacts.”.

5 (c) RECOMMENDATIONS TO CONGRESS.—In deter-
6 mining project recommendations to Congress under sec-
7 tion 4(a)(2)(F)(ii)(II) of the Water Desalination Act of
8 1996, the Commissioner of Reclamation shall establish a
9 priority scoring system that assigns priority scores to each
10 project evaluated based on the prioritization criteria of
11 section 4(c) of the Water Desalination Act of 1996 (42
12 U.S.C. 10301 note; Public Law 104–298).

13 **SEC. 81216. ASSISTANCE FOR DISADVANTAGED COMMU-**
14 **NITIES WITHOUT ADEQUATE DRINKING**
15 **WATER.**

16 (a) IN GENERAL.—The Secretary shall provide
17 grants within the Reclamation States to assist eligible ap-
18 plicants in planning, designing, or carrying out projects
19 to help disadvantaged communities—

20 (1) meet the primary drinking water standards
21 set by the Federal Safe Drinking Water Act (42
22 U.S.C. 300f et seq.); or

23 (2) address a significant decline in the quantity
24 or quality of drinking water.

1 (b) ELIGIBLE APPLICANTS.—To be eligible to receive
2 a grant under this section, an applicant shall submit an
3 application to the Secretary that includes a proposal of
4 the project or activity in subsection (c) to be planned, de-
5 signed, constructed, or implemented, the service area of
6 which—

7 (1) shall not be located in any city or town with
8 a population of more than 60,000 residents; and

9 (2) has a median household income of less than
10 100 percent of the nonmetropolitan median house-
11 hold income of the State.

12 (c) ELIGIBLE PROJECTS.—Projects eligible for
13 grants under this program may be used for—

14 (1) emergency water supplies;

15 (2) point-of-use treatment and point-of-entry
16 systems;

17 (3) distributed treatment facilities;

18 (4) construction of new wells and connections to
19 existing water source systems;

20 (5) water distribution facilities;

21 (6) connection fees to existing systems;

22 (7) assistance to households to connect to water
23 facilities;

24 (8) local resource sharing, including voluntary
25 agreements between water systems to jointly con-

1 tract for services or equipment, or to study or imple-
2 ment the physical consolidation of 2 or more water
3 systems;

4 (9) technical assistance, planning, and design
5 for any of the activities described in paragraph (1)
6 through (8); or

7 (10) any combination of activities described in
8 paragraphs (1) through (9).

9 (d) **PRIORITIZATION.**—In determining priorities for
10 funding projects, the Secretary shall take into consider-
11 ation—

12 (1) where water outages or the failure to meet
13 drinking water standards—

14 (A) are most serious; and

15 (B) pose the greatest threat to public
16 health and safety;

17 (2) the degree to which the project provides a
18 long-term solution to the water needs of the commu-
19 nity; and

20 (3) whether the applicant has the ability to
21 qualify for alternative funding sources.

22 (e) **MAXIMUM AMOUNT.**—The amount of a grant pro-
23 vided under this section may be up to 100 percent of costs,
24 including—

1 (1) initial operation costs incurred for startup
2 and testing of project facilities;

3 (2) costs of components to ensure such facilities
4 and components are properly operational; and

5 (3) costs of operation or maintenance incurred
6 subsequent to placing the facilities or components
7 into service.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$100,000,000, to remain available until expended.

11 (g) COORDINATION REQUIRED.—In carrying out this
12 section, the Secretary shall consult with the Secretary of
13 Agriculture and the Administrator of the Environmental
14 Protection Agency to identify opportunities to improve the
15 efficiency, effectiveness, and impact of grants provided
16 under this section and under comparable programs that
17 address water and wastewater supply, quality, and treat-
18 ment needs in disadvantaged communities.

19 **CHAPTER 2—IMPROVED TECHNOLOGY**
20 **AND DATA**

21 **SEC. 81221. REAUTHORIZATION OF WATER AVAILABILITY**
22 **AND USE ASSESSMENT PROGRAM.**

23 Section 9508 of Public Law 111–11 (42 U.S.C.
24 10368) is amended—

25 (1) in subsection (b)—

1 (A) by striking “and” at the end of para-
2 graph (2)(A)(ii)(VII);

3 (B) in paragraph (2)(A)(iii), by adding
4 “and” at the end;

5 (C) by adding at the end of paragraph
6 (2)(A) the following:

7 “(iv) water supplies made available
8 through water reuse and seawater and
9 brackish desalination;”; and

10 (D) by adding at the end the following:

11 “(3) DATA INTEGRATION.—In carrying out the
12 assessment program, the Secretary shall, to the
13 greatest extent practicable—

14 “(A) integrate available data from new
15 technologies where appropriate including data
16 made available from drones and emerging re-
17 mote sensing technologies; and

18 “(B) coordinate with relevant Federal
19 agencies and bureaus to develop common data
20 requirements for—

21 “(i) Federal water data programs and
22 efforts; and

23 “(ii) geospatial data programs that
24 can inform assessments of water avail-

1 ability and use under the assessment pro-
2 gram.”;

3 (2) in subsection (c)—

4 (A) in paragraph (1), by striking “State
5 water resource” each place it appears and in-
6 serting “State or Tribal water resource”;

7 (B) in the heading of paragraph (2), by
8 striking “CRITERIA” and inserting “STATE CRI-
9 TERIA”;

10 (C) by inserting after paragraph (2) the
11 following (and redesignating the succeeding
12 paragraph accordingly):

13 “(3) TRIBAL CRITERIA.—To be eligible to re-
14 ceive a grant under paragraph (1), a Tribal water
15 resource agency shall demonstrate to the Secretary
16 that the water use and availability dataset proposed
17 to be established or integrated by the Tribal water
18 resource agency—

19 “(A) is in compliance with each quality
20 and conformity standard established by the Sec-
21 retary to ensure that the data will be capable
22 of integration with any national dataset; and

23 “(B) will enhance the ability of the offi-
24 cials of the Tribe or the Tribal water resource

1 agency to carry out water management respon-
2 sibilities.

3 “(4) TRIBAL WATER RESOURCE AGENCY DEFINI-
4 TION.—For the purposes of this subsection, the
5 term ‘Tribal water resource agency’ means any
6 agency of an Indian Tribe responsible for water re-
7 source planning and management.”; and

8 (D) in paragraph (5) (as so redesign-
9 nated)—

10 (i) by inserting “or Tribal water re-
11 source agency” after “State water resource
12 agency”; and

13 (ii) by inserting “within any 5-year
14 period” after “\$250,000”; and

15 (3) in subsection (e)(2), by striking “2009
16 through 2013” and inserting “2021 through 2026”.

17 **SEC. 81222. RENEWAL OF ADVISORY COMMITTEE ON**
18 **WATER INFORMATION.**

19 (a) ADVISORY COMMITTEE RENEWED.—Not later
20 than 30 days after the date of the enactment of this para-
21 graph, the Secretary shall renew the Advisory Committee
22 on Water Information established by the Office of Man-
23 agement and Budget Memorandum No. M-92-01, the
24 charter for which was renewed by the Secretary on June
25 29, 2018.

1 (b) TERMINATION.—The Advisory Committee re-
2 newed under this section shall not terminate except as pro-
3 vided by an Act of Congress.

4 **SEC. 81223. DESALINATION TECHNOLOGY DEVELOPMENT.**

5 The Water Desalination Act of 1996 (Public Law
6 104–298; 42 U.S.C. 10301 note) is amended—

7 (1) in section 4(a)(1), by inserting “, including
8 modules specifically designed for brine management”
9 after “and concepts”; and

10 (2) in section 8(b)—

11 (A) by striking “3,000,000” and inserting
12 “20,000,000”; and

13 (B) by striking “2017 through 2021” and
14 inserting “2021 through 2026, in addition to
15 the authorization of appropriations for projects
16 in section 4(a)(2)(F)”.

17 **SEC. 81224. X-PRIZE FOR WATER TECHNOLOGY BREAK-**
18 **THROUGHS.**

19 (a) WATER TECHNOLOGY AWARD PROGRAM ESTAB-
20 LISHED.—The Secretary, working through the Bureau of
21 Reclamation, shall establish a program to award prizes to
22 eligible persons described in subsection (b) for achieve-
23 ment in 1 or more of the following applications of water
24 technology:

1 (1) Demonstration of wastewater and industrial
2 process water purification for reuse or desalination
3 of brackish water or seawater with significantly less
4 energy than current municipally and commercially
5 adopted technologies.

6 (2) Demonstration of portable or modular de-
7 salination units that can process 1 to 5,000,000 gal-
8 lons per day that could be deployed for temporary
9 emergency uses in coastal communities or commu-
10 nities with brackish groundwater supplies.

11 (3) Demonstration of significant advantages
12 over current municipally and commercially adopted
13 reverse osmosis technologies as determined by the
14 board established under subsection (c).

15 (4) Demonstration of significant improvements
16 in the recovery of residual or waste energy from the
17 desalination process.

18 (5) Reducing open water evaporation.

19 (b) ELIGIBLE PERSON.—An eligible person described
20 in this subsection is—

21 (1) an individual who is—

22 (A) a citizen or legal resident of the
23 United States; or

24 (B) a member of a group that includes
25 citizens or legal residents of the United States;

1 (2) an entity that is incorporated and maintains
2 its primary place of business in the United States;
3 or

4 (3) a public water agency.

5 (c) ESTABLISHMENT OF BOARD.—

6 (1) IN GENERAL.—The Secretary shall establish
7 a board to administer the program established under
8 subsection (a).

9 (2) MEMBERSHIP.—The board shall be com-
10 posed of not less than 15 and not more than 21
11 members appointed by the Secretary, of whom not
12 less than 2 shall—

13 (A) be a representative of the interests of
14 public water districts or other public organiza-
15 tions with water delivery authority;

16 (B) be a representative of the interests of
17 academic organizations with expertise in the
18 field of water technology, including desalination
19 or water reuse;

20 (C) be representative of a non-profit con-
21 servation organization;

22 (D) have expertise in administering award
23 competitions; and

24 (E) be a representative of the Bureau of
25 Reclamation of the Department of the Interior

1 with expertise in the deployment of desalination
2 or water reuse.

3 (d) AWARDS.—Subject to the availability of appro-
4 priations, the board established under subsection (c) may
5 make awards under the program established under sub-
6 section (a) as follows:

7 (1) FINANCIAL PRIZE.—The board may hold a
8 financial award competition and award a financial
9 award in an amount determined before the com-
10 mencement of the competition to the first competitor
11 to meet such criteria as the board shall establish.

12 (2) RECOGNITION PRIZE.—

13 (A) IN GENERAL.—The board may recog-
14 nize an eligible person for superlative achieve-
15 ment in 1 or more applications described in
16 subsection (a).

17 (B) NO FINANCIAL REMUNERATION.—An
18 award under this paragraph shall not include
19 any financial remuneration.

20 (e) ADMINISTRATION.—

21 (1) CONTRACTING.—The board established
22 under subsection (c) may contract with a private or-
23 ganization to administer a financial award competi-
24 tion described in subsection (d)(1).

1 (2) SOLICITATION OF FUNDS.—A member of
2 the board or any administering organization with
3 which the board has a contract under paragraph (1)
4 may solicit gifts from private and public entities to
5 be used for a financial award under subsection
6 (d)(1).

7 (3) LIMITATION ON PARTICIPATION OF DO-
8 NORS.—The board may allow a donor who is a pri-
9 vate person described in paragraph (2) to participate
10 in the determination of criteria for an award under
11 subsection (d), but such donor may not solely deter-
12 mine the criteria for such award.

13 (4) NO ADVANTAGE FOR DONATION.—A donor
14 who is a private person described in paragraph (3)
15 shall not be entitled to any special consideration or
16 advantage with respect to participation in a financial
17 award competition under subsection (d)(1).

18 (f) INTELLECTUAL PROPERTY.—The Federal Gov-
19 ernment may not acquire an intellectual property right in
20 any product or idea by virtue of the submission of such
21 product or idea in any competition under subsection
22 (d)(1).

23 (g) LIABILITY.—The board established under sub-
24 section (c) may require a competitor in a financial award
25 competition under subsection (d)(1) to waive liability

1 against the Federal Government for injuries and damages
2 that result from participation in such competition.

3 (h) ANNUAL REPORT.—Each year, the board estab-
4 lished under subsection (c) shall submit to the relevant
5 committees of Congress a report on the program estab-
6 lished under subsection (a).

7 (i) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There are authorized to be
9 appropriated sums for the program established
10 under subsection (a) as follows:

11 (A) For administration of prize competi-
12 tions under subsection (d), \$750,000 for each
13 fiscal year through fiscal year 2026.

14 (B) For the awarding of a financial prize
15 award under subsection (d)(1), in addition to
16 any amounts received under subsection (e)(2),
17 \$5,000,000 for each fiscal year through fiscal
18 year 2026.

19 (2) AVAILABILITY.—Amounts appropriated
20 under paragraph (1) shall remain available until ex-
21 pended.

22 (j) WATER TECHNOLOGY INVESTMENT PROGRAM
23 ESTABLISHED.—The Secretary, acting through the Bu-
24 reau of Reclamation, shall establish a program, pursuant
25 to the Reclamation Wastewater and Groundwater Study

1 and Facilities Act (Public Law 102–575, title XVI), the
2 Water Desalination Act of 1996 (Public Law 104–298),
3 and other applicable laws, to promote the expanded use
4 of technology for improving availability and resiliency of
5 water supplies and power deliveries, which shall include—

6 (1) investments to enable expanded and acceler-
7 ated deployment of desalination technology; and

8 (2) investments to enable expanded and acceler-
9 ated use of recycled water.

10 (k) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated \$5,000,000 for each fis-
12 cal year through fiscal year 2026 for the Secretary to
13 carry out the purposes and provisions of subsection (j).

14 **SEC. 81225. STUDY EXAMINING SEDIMENT TRANSPORT.**

15 (a) IN GENERAL.—Not later than 60 days after the
16 date of the enactment of this Act, the Secretary shall
17 make appropriate arrangements with the National Acad-
18 emies of Sciences, Engineering, and Medicine (referred to
19 in this section as the “National Academies”) under which
20 the National Academies shall conduct a study that—

21 (1) examines existing science and management
22 guidance related to methods for managing sediment
23 transport from dam removal;

24 (2) includes case studies where diverse inter-
25 ests, including hydroelectric, agricultural, conserva-

1 tion, and industry stakeholders work jointly with
2 Tribal, State, and Federal government agencies to
3 implement collaborative projects requiring sediment
4 transport; and

5 (3) identifies future research opportunities, re-
6 quirements, and recommendations related to the
7 science and management guidance examined under
8 paragraph (1), including research opportunities, re-
9 quirements, and recommendations related to mod-
10 eling and quantifying sediment flows.

11 (b) REPORT.—In entering into an arrangement under
12 subsection (a), the Secretary shall request that the Na-
13 tional Academies transmit to the Secretary and to Con-
14 gress a report not later than 36 months after the date
15 of the enactment of this Act that—

16 (1) includes the results of the study and rel-
17 evant interpretations of the results;

18 (2) provides recommendations for applying
19 science in management and mitigation decisions re-
20 lating to dam removal; and

21 (3) provides recommendations for improving fu-
22 ture research on the beneficial and adverse environ-
23 mental impacts of sediment transport from dam re-
24 moval and appropriate actions to mitigate such im-
25 pacts.

1 **SEC. 81226. DETERMINATION OF WATER SUPPLY ALLOCA-**
2 **TIONS.**

3 (a) SNOWPACK MEASUREMENT DATA.—When deter-
4 mining water supply allocations, the Secretary, acting
5 through the Commissioner of the Bureau of Reclamation,
6 shall incorporate to the greatest extent practicable infor-
7 mation from emerging technologies for snowpack measure-
8 ment such as—

9 (1) synthetic aperture radar;

10 (2) laser altimetry; or

11 (3) any other emerging technologies that can
12 provide more accurate or timely snowpack measure-
13 ment data as determined by the Secretary.

14 (b) COORDINATION.—In carrying out subsection (a),
15 the Secretary may coordinate data use and collection ef-
16 forts with other Federal agencies and bureaus that cur-
17 rently use or may benefit from the use of emerging tech-
18 nologies for snowpack measurement.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary \$5,000,000
21 to carry out this section.

22 (d) REPORT.—Not later than October 1, 2022, the
23 Secretary shall submit to Congress a report summarizing
24 the use of emerging technologies pursuant to this section
25 and describe any benefits derived from the use of such

1 technologies related to the environment and increased
2 water supply reliability.

3 **SEC. 81227. FEDERAL PRIORITY STREAMGAGES.**

4 (a) FEDERAL PRIORITY STREAMGAGES.—The Sec-
5 retary shall make every reasonable effort to make oper-
6 ational all streamgages identified as Federal Priority
7 Streamgages by the United States Geological Survey not
8 later than 10 years after the date of the enactment of this
9 Act.

10 (b) COLLABORATION WITH STATES.—The Secretary
11 shall, to the maximum extent practicable, seek to leverage
12 Federal investments in Federal Priority Streamgages
13 through collaborative partnerships with States and local
14 agencies that invest non-Federal funds to maintain and
15 enhance gage networks to improve both environmental
16 quality and water supply reliability.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated \$45,000,000 to carry
19 out this section for each fiscal year through fiscal year
20 2026.

21 **SEC. 81228. STUDY EXAMINING CLIMATE VULNERABILITIES**
22 **AT FEDERAL DAMS.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of the enactment of this Act, the Secretary shall
25 make appropriate arrangements with the National Acad-

1 emies of Sciences, Engineering, and Medicine (referred to
2 in this section as the “National Academies”) under which
3 the National Academies shall conduct an independent
4 study to—

5 (1) examine the projected impact of climate
6 change on the safety of Bureau of Reclamation
7 dams; and

8 (2) evaluate and list the Bureau of Reclamation
9 dams that are most vulnerable to climate change re-
10 lated safety risks based on an assessment of climate
11 change related impacts on—

12 (A) the frequency of heavy precipitation
13 events; and

14 (B) other factors that influence the mag-
15 nitude and severity of flooding events including
16 snow cover and snowmelt, vegetation, and soil
17 moisture.

18 (b) REPORT.—In entering into an arrangement under
19 subsection (a), the Secretary shall request that the Na-
20 tional Academies—

21 (1) transmit to the Secretary and to the rel-
22 evant committees of Congress a report not later
23 than 24 months after the date of the enactment of
24 this Act that includes the results of the study; and

1 (2) consider any previous studies or evaluations
2 conducted or completed by the Bureau of Reclama-
3 tion or local water agencies on climate change im-
4 pacts to dams, facilities, and watersheds as a ref-
5 erence and source of information during the develop-
6 ment of the independent study.

7 **SEC. 81229. INNOVATIVE TECHNOLOGY ADOPTION.**

8 The Secretary is directed to include as a priority for
9 grants authorized under section 9504 of the Omnibus
10 Public Land Management Act of 2009 (42 U.S.C. 10364),
11 the Water Conservation Field Services Program, and
12 other water conservation grant programs, as appropriate,
13 that help foster the adoption of technologies that can—

14 (1) identify losses from water conveyance facili-
15 ties in a non-destructive manner that—

16 (A) does not disrupt the conveyance of
17 water supplies; and

18 (B) provides comprehensive data on pipe-
19 line integrity, including leak and gas pocket de-
20 tection, for all pipeline materials;

21 (2) provide real-time monitoring of weather pat-
22 terns and reservoir operations to improve flexibility,
23 protect natural resources, increase resiliency, main-
24 tain temperature control, and ensure water supply
25 reliability;

1 (1) in section 6001—

2 (A) by redesignating paragraphs (2)
3 through (6) as paragraphs (3) through (7), re-
4 spectively;

5 (B) by inserting after paragraph (1) the
6 following:

7 “(2) DISADVANTAGED COMMUNITIES.—The
8 term ‘disadvantaged communities’ means commu-
9 nities, including cities, towns, or counties, or reason-
10 ably isolated and divisible segments of larger municipi-
11 palities, with an annual median household income
12 that is less than 100 percent of the statewide annual
13 median household income, as determined by the lat-
14 est available decennial census.”;

15 (C) in paragraph (6)(B)(i) (as so redesign-
16 ated)—

17 (i) in subclause (VIII), by striking
18 “and” at the end;

19 (ii) in subclause (IX), by inserting “;
20 and” at the end; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(X) disadvantaged communities;”; and

24 (D) in subparagraph (C) of paragraph (7)
25 (as so redesignated), by inserting “, including

1 benefits to fisheries, wildlife, and habitat river
2 or stream”;

3 (2) in section 6002—

4 (A) by amending subsection (b) to read as
5 follows:

6 “(b) ESTABLISHMENT OF APPLICATION PROCESS;
7 CRITERIA.—Not later than March 30, 2021, the Secretary
8 shall update—

9 “(1) the application process for the program;
10 and

11 “(2) in consultation with the States,
12 prioritization and eligibility criteria for considering
13 applications submitted in accordance with the appli-
14 cation process.”.

15 **SEC. 81233. COMPETITIVE GRANT PROGRAM FOR THE**
16 **FUNDING OF WATERSHED HEALTH**
17 **PROJECTS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act and in accordance with
20 this section, the Secretary, in consultation with the heads
21 of relevant agencies, shall establish a competitive grant
22 program to award grants to an eligible entity for habitat
23 restoration projects that improve watershed health in a
24 Reclamation State and accomplish 1 or more of the fol-
25 lowing benefits:

1 (1) Ecosystem benefits.

2 (2) Restoration of native species beyond exist-
3 ing or planned measures necessary to meet State or
4 Federal laws for species recovery.

5 (3) Protection against invasive species.

6 (4) Restoration of aspects of the natural eco-
7 system.

8 (5) Enhancement of commercial and rec-
9 reational fishing.

10 (6) Enhancement of river-based recreation such
11 as kayaking, canoeing, and rafting.

12 (7) Mitigate against the impacts of climate
13 change to fish and wildlife habitats.

14 (b) REQUIREMENTS.—

15 (1) IN GENERAL.—In awarding a grant under
16 subsection (a), the Secretary—

17 (A) shall give priority to a project that
18 achieves more than 1 of the benefits listed in
19 subsection (a); and

20 (B) may not provide a grant for a project
21 that is for the purpose of meeting existing envi-
22 ronmental mitigation or compliance obligations
23 under State or Federal law.

1 (2) COMPLIANCE.—A project awarded a grant
2 under subsection (a) shall comply with all applicable
3 Federal and State laws.

4 (c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
5 tion, the term “eligible entity” means a State, Indian
6 Tribe, nonprofit conservation organization operating in a
7 Reclamation State, irrigation district, water district, or
8 other organization with water or power delivery authority.

9 (d) PUBLIC PARTICIPATION.—Before the establish-
10 ment of the program under subsection (a), the Secretary
11 shall—

12 (1) provide notice of and, for a period of not
13 less than 90 days, an opportunity for public com-
14 ment on, any draft or proposed version of the pro-
15 gram requirements in accordance with this section;
16 and

17 (2) consider public comments received in devel-
18 oping the final program requirements.

19 (e) REPORT.—Not later than October 1, 2022, and
20 every 2 years thereafter, the Secretary shall submit to
21 Congress a report summarizing the environmental per-
22 formance of activities that are receiving, or have received,
23 assistance under the program authorized by this section.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section

1 \$150,000,000 for each fiscal year through fiscal year
2 2026, to remain available until expended.

3 **SEC. 81234. SUPPORT FOR REFUGE WATER DELIVERIES.**

4 (a) REPORT ON HISTORIC REFUGE WATER DELIV-
5 ERIES.—Not later than 90 days after the date of the en-
6 actment of this Act, the Secretary shall submit to the rel-
7 evant committees of Congress and make publicly available
8 a report that describes the following:

9 (1) Compliance with section 3406(d)(1) and
10 section 3406(d)(2) of the Central Valley Project Im-
11 provement Act (title XXXIV of Public Law 102–
12 575) in each of years 1992 through 2018, including
13 an indication of the amount of water identified as
14 the Level 2 amount and incremental Level 4 amount
15 for each wetland area.

16 (2) The difference between the mandated quan-
17 tity of water to be delivered to each wetland habitat
18 area described in section 3406(d)(2) and the actual
19 quantity of water delivered since October 30, 1992,
20 including a listing of every year in which the full de-
21 livery of water to wetland habitat areas was achieved
22 in accordance with level 4 of the “Dependable Water
23 Supply Needs” table, described in section
24 3406(d)(2) of the Central Valley Project Improve-
25 ment Act (title XXXIV of Public Law 102–575).

1 (3) Which of the authorities granted to the Sec-
2 retary under Public Law 102–575 to achieve the full
3 level 4 deliveries of water to wetland habitat areas
4 was employed in achieving the increment of water
5 delivery above the Level 2 amount for each wetland
6 habitat area, including whether water conservation,
7 conjunctive use, water purchases, water leases, dona-
8 tions, water banking, or other authorized activities
9 have been used and the extent to which such au-
10 thorities have been used.

11 (4) An assessment of the degree to which the
12 elimination of water transaction fees for the dona-
13 tion of water rights to wildlife refuges would help
14 advance the goals of the Central Valley Project Im-
15 provement Act (title XXXIV of Public Law 102–
16 575).

17 (b) PRIORITY CONSTRUCTION LIST.—The Secretary
18 shall establish, through a public process and in consulta-
19 tion with the Interagency Refuge Water Management
20 Team, a priority list for the completion of the conveyance
21 construction projects at the wildlife habitat areas de-
22 scribed in section 3406(d)(2) of the Central Valley Project
23 Improvement Act (title XXXIV of Public Law 102–575),
24 including the Mendota Wildlife Area, Pixley National
25 Wildlife Refuge and Sutter National Wildlife Refuge.

1 (c) ECOLOGICAL MONITORING AND EVALUATION
2 PROGRAM.—Not later than 1 year after the date of the
3 enactment of this Act, the Secretary, acting through the
4 Director of the United States Fish and Wildlife Service,
5 shall design and implement an ecological monitoring and
6 evaluation program, for all Central Valley wildlife refuges,
7 that produces an annual report based on existing and
8 newly collected information, including—

9 (1) the United States Fish and Wildlife Service
10 Animal Health Lab disease reports;

11 (2) mid-winter waterfowl inventories;

12 (3) nesting and brood surveys;

13 (4) additional data collected regularly by the
14 refuges, such as herptile distribution and abundance;

15 (5) a new coordinated systemwide monitoring
16 effort for at least 1 key migrant species and 2 resi-
17 dent species listed as threatened and endangered
18 pursuant to the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.) (including one warm-blood-
20 ed and one cold-blooded), that identifies population
21 numbers and survival rates for the 3 previous years;
22 and

23 (6) an estimate of the bioenergetic food produc-
24 tion benefits to migrant waterfowl, consistent with
25 the methodology used by the Central Valley Joint

1 Venture, to compliment and inform the Central Val-
2 ley Joint Venture implementation plan.

3 (d) ADEQUATE STAFFING FOR REFUGE WATER DE-
4 LIVERY OBJECTIVES.—The Secretary shall ensure that
5 adequate staffing is provided to advance the refuge water
6 supply delivery objectives under the Central Valley Project
7 Improvement Act (title XXXIV of Public Law 102–575).

8 (e) FUNDING.—There is authorized to be appro-
9 priated \$25,000,000 to carry out subsections (a) through
10 (d), which shall remain available until expended.

11 (f) EFFECT ON OTHER FUNDS.—Amounts author-
12 ized under this section shall be in addition to amounts col-
13 lected or appropriated under the Central Valley Project
14 Improvement Act (title XXXIV of Public Law 102–575).

15 **SEC. 81235. DROUGHT PLANNING AND PREPAREDNESS FOR**
16 **CRITICALLY IMPORTANT FISHERIES.**

17 (a) DEFINITIONS.—In this section:

18 (1) CRITICALLY IMPORTANT FISHERIES.—The
19 term “critically important fisheries” means—

20 (A) commercially and recreationally impor-
21 tant fisheries located within the Reclamation
22 States;

23 (B) fisheries containing fish species that
24 are listed as threatened or endangered pursuant
25 to the Endangered Species Act of 1973 (16

1 U.S.C. 1531 et seq.) within the Reclamation
2 States; or

3 (C) fisheries used by Indian Tribes within
4 the Reclamation States for ceremonial, subsist-
5 ence, or commercial purposes.

6 (2) QUALIFIED TRIBAL GOVERNMENT.—The
7 term “qualified Tribal Government” means any gov-
8 ernment of an Indian Tribe that the Secretary deter-
9 mines—

10 (A) is involved in fishery management and
11 recovery activities including under the Endan-
12 gered Species Act of 1973 (16 U.S.C. 1531 et
13 seq.); or

14 (B) has the management and organiza-
15 tional capability to maximize the benefits of as-
16 sistance provided under this section.

17 (b) DROUGHT PLAN FOR CRITICALLY IMPORTANT
18 FISHERIES.—Not later than January 1, 2021 and every
19 three years thereafter, the Secretary, acting through the
20 Director of the United States Fish and Wildlife Service
21 shall, in consultation with the National Marine Fisheries
22 Service, the Bureau of Reclamation, the Army Corps of
23 Engineers, State fish and wildlife agencies, and affected
24 Indian Tribes, prepare a plan to sustain the survival of
25 critically important fisheries within the Reclamation

1 States during future periods of extended drought. The
2 plan shall focus on actions that can aid the survival of
3 critically important fisheries during the driest years. In
4 preparing such plan, the Director shall consider—

5 (1) habitat restoration efforts designed to pro-
6 vide drought refugia and increased fisheries resil-
7 ience during droughts;

8 (2) relocating the release location and timing of
9 hatchery fish to avoid predation and temperature
10 impacts;

11 (3) barging of hatchery release fish to improve
12 survival and reduce straying;

13 (4) coordination with water users, the Bureau
14 of Reclamation, State fish and wildlife agencies, and
15 interested public water agencies regarding voluntary
16 water transfers, including through groundwater sub-
17 stitution activities, to determine if water releases can
18 be collaboratively managed in a way that provides
19 additional benefits for critically important fisheries
20 without negatively impacting wildlife habitat;

21 (5) hatchery management modifications, such
22 as expanding hatchery production of fish during the
23 driest years, if appropriate for a particular river
24 basin;

1 (6) hatchery retrofit projects, such as the in-
2 stallation and operation of filtration equipment and
3 chillers, to reduce disease outbreaks, egg mortality
4 and other impacts of droughts and high water tem-
5 peratures;

6 (7) increasing rescue operations of upstream
7 migrating fish;

8 (8) improving temperature modeling and related
9 forecasted information to predict water management
10 impacts to the habitat of critically important fish-
11 eries with a higher degree of accuracy than current
12 models;

13 (9) testing the potential for parentage-based
14 tagging and other genetic testing technologies to im-
15 prove the management of hatcheries;

16 (10) programs to reduce predation losses at ar-
17 tificially created predation hot spots; and

18 (11) retrofitting existing water facilities to pro-
19 vide improved temperature conditions for fish.

20 (c) PUBLIC COMMENT.—The Director of the United
21 States Fish and Wildlife Service shall provide for a public
22 comment period of not less than 90 days before finalizing
23 a plan under subsection (a).

24 (d) AUTHORIZATION OF APPROPRIATIONS FOR FISH
25 RECOVERY EFFORTS.—There is authorized to be appro-

1 priated \$25,000,000 for the United States Fish and Wild-
2 life Service for fiscal year 2021 for fish, stream, and
3 hatchery activities related to fish recovery efforts, includ-
4 ing work with the National Marine Fisheries Service, the
5 Bureau of Reclamation, the Army Corps of Engineers,
6 State fish and wildlife agencies, or a qualified Tribal Gov-
7 ernment.

8 (e) EFFECT.—Nothing in this section is intended to
9 expand, diminish, or affect any obligation under Federal
10 or State environmental law.

11 **SEC. 81236. AQUATIC ECOSYSTEM RESTORATION.**

12 (a) GENERAL AUTHORITY.—Subject to the require-
13 ments of this section, on request of any eligible entity the
14 Secretary may negotiate and enter into an agreement on
15 behalf of the United States to fund the design, study, and
16 construction of an aquatic ecosystem restoration and pro-
17 tection project if the Secretary determines that the project
18 is likely to improve the quality of the environment in a
19 Reclamation State by improving fish passage through the
20 removal or bypass of barriers to fish passage.

21 (b) REQUIREMENTS.—Construction of a project
22 under this section shall be a voluntary project initiated
23 only after—

1 (1) an eligible entity has entered into an agree-
2 ment with the Secretary to pay no less than 35 per-
3 cent of the costs of project construction; and

4 (2) the Secretary determines the proposed
5 project—

6 (A) will not result in an unmitigated ad-
7 verse impact on fulfillment of existing water de-
8 livery obligations consistent with historical oper-
9 ations and applicable contracts;

10 (B) will not result in an unmitigated ad-
11 verse effect on the environment;

12 (C) is consistent with the responsibilities of
13 the Secretary—

14 (i) in the role as trustee for federally
15 recognized Indian Tribes; and

16 (ii) to ensure compliance with any ap-
17 plicable international and Tribal treaties
18 and agreements and interstate compacts
19 and agreements;

20 (D) is in the financial interest of the
21 United States based on a determination that
22 the project advances Federal objectives includ-
23 ing environmental enhancement objectives in a
24 Reclamation State; and

1 (E) protects the public aspects of the eligi-
2 ble facility, including water rights managed for
3 public purposes, such as flood control or fish
4 and wildlife.

5 (c) ENVIRONMENTAL LAWS.—In participating in a
6 project under this section, the Secretary shall comply with
7 all applicable Federal environmental laws, including the
8 National Environmental Policy Act of 1969 (42 U.S.C.
9 4321 et seq.), and all State environmental laws of the Rec-
10 lamation State in which the project is located involving
11 the construction, expansion or operation of a water stor-
12 age project or fish and wildlife protection, provided that
13 no law or regulation of a State or political subdivision of
14 a State relieve the Secretary of any Federal requirement
15 otherwise applicable under this section.

16 (d) FUNDING.—There is authorized to be appro-
17 priated to carry out this section \$25,000,000 for each fis-
18 cal year through fiscal year 2026, to remain available until
19 expended.

20 (e) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
21 tion, the term “eligible entity” means any Reclamation
22 State, any department, agency, or subdivision of a Rec-
23 lamation State, any public agency organized pursuant to
24 the laws of a Reclamation State, an Indian Tribe, or a
25 non-profit organization operating in a Reclamation State.

1 (f) PRIORITY FOR PROJECTS PROVIDING PUBLIC
2 SAFETY AND REGIONAL BENEFITS.—When funding
3 projects under this section, the Secretary shall prioritize
4 projects that—

5 (1) are likely to provide public safety benefits;
6 and

7 (2) are regional in nature, including projects
8 that span two or more river basins.

9 **SEC. 81237. REAUTHORIZATION OF THE FISHERIES RES-**
10 **TORATION AND IRRIGATION MITIGATION ACT**
11 **OF 2000.**

12 Section 10(a) of the Fisheries Restoration and Irriga-
13 tion Mitigation Act of 2000 (16 U.S.C. 777 note; Public
14 Law 106–502) is amended by striking “\$15 million
15 through 2021” and inserting “\$25,000,000 through
16 2027”.

17 **CHAPTER 4—WATER JOB TRAINING AND**
18 **EDUCATION**

19 **SEC. 81241. WATER RESOURCE EDUCATION.**

20 (a) GENERAL AUTHORITY.—In accordance with this
21 section, the Secretary may enter into a cooperative agree-
22 ment or contract or provide financial assistance in the
23 form of a grant, to support activities related to education
24 on water resources.

1 (b) ELIGIBLE ACTIVITIES.—The Secretary may enter
2 into a cooperative agreement or contract or provide finan-
3 cial assistance for activities that improve water resources
4 education, including through tours, publications or other
5 activities that—

6 (1) disseminate information on water resources
7 via educational tools, materials or programs;

8 (2) publish relevant information on water re-
9 source issues, including environmental and ecological
10 conditions;

11 (3) advance projects that improve public under-
12 standing of water resource issues or management
13 challenges, including education on drought, drought
14 awareness, and drought resiliency;

15 (4) provide training or related education for
16 teachers, faculty, or related personnel, including in
17 a specific geographic area or region; or

18 (5) enable tours, conferences, or other activities
19 to foster cooperation in addressing water resources
20 or management challenges, including cooperation re-
21 lating to water resources shared by the United
22 States and Canada or Mexico.

23 (c) GRANT PRIORITY.—In making grants under this
24 section, the Secretary shall give priority to activities
25 that—

1 (1) provide training for the professional devel-
2 opment of legal and technical experts in the field of
3 water resources management; or

4 (2) help educate the public, teachers or key
5 stakeholders on—

6 (A) a new or significantly improved water
7 resource management practice, method, or tech-
8 nique;

9 (B) the existence of a water resource man-
10 agement practice, method, or technique that
11 may have wide application;

12 (C) a water resource management practice,
13 method, or technique related to a scientific field
14 or skill identified as a priority by the Secretary;
15 or

16 (D) general water resource issues or man-
17 agement challenges, including as part of a
18 science curricula in elementary or secondary
19 education setting.

20 **SEC. 81242. WATER SECTOR CAREER GRANT PROGRAMS.**

21 (a) COORDINATION WITH INNOVATIVE WATER IN-
22 FRASTRUCTURE WORKFORCE DEVELOPMENT PRO-
23 GRAM.—

24 (1) IN GENERAL.—The Secretary shall develop
25 a grant program to improve job placement and re-

1 tention in the water and wastewater utilities sector,
2 to be administered in coordination with the Innova-
3 tive Water Infrastructure Workforce Development
4 Program.

5 (2) CONFORMING AMENDMENT.—Section
6 4304(b) of Public Law 115–270 (42 U.S.C. 300j–
7 19e) is amended by inserting “and the Secretary of
8 the Interior” after “Agriculture”.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated for purposes
11 of this section \$10,000,000 for each fiscal year
12 through fiscal year 2026, to remain available until
13 expended.

14 (b) GRANTS AUTHORIZED.—Beginning 360 days
15 after the date of the enactment of this section, the Sec-
16 retary may award grants to eligible entities for the pur-
17 pose of developing, offering, or improving programs that
18 increase the job placement and retention of skilled and di-
19 verse workers in the water and wastewater sector.

20 (c) ALLOCATION OF GRANTS.—

21 (1) LIMITATION ON GRANT QUANTITY AND
22 SIZE.—An eligible entity may not be awarded—

23 (A) more than 1 grant under this section
24 for which the eligible entity is the lead appli-
25 cant; or

1 (B) a grant under this section in excess of
2 \$2,500,000.

3 (2) ALLOCATION TO COMMUNITY COLLEGES.—

4 Not less than 20 percent of the total amount award-
5 ed under this section for a fiscal year shall be
6 awarded to eligible entities that are community col-
7 leges.

8 (d) PARTNERSHIPS.—An eligible entity seeking to re-
9 ceive a grant under this section may partner with 1 or
10 more of the following:

11 (1) Another eligible entity (including an eligible
12 entity that is a community college).

13 (2) A water district or other organization with
14 water delivery authority.

15 (3) A State or local government.

16 (4) A nonprofit organization.

17 (e) USE OF GRANT.—An eligible entity may use a
18 grant awarded under this section for the following activi-
19 ties:

20 (1) Assessment of water workforce needs and
21 priorities.

22 (2) Development of a water workforce plan.

23 (3) Design and implementation of formalized
24 mentorship or registered apprenticeship programs.

1 (4) Design and implementation of bridge pro-
2 grams, work-study opportunities, or other strategies
3 to connect job-seekers with employment opportuni-
4 ties.

5 (5) Development of outreach strategies to re-
6 cruit a more diverse workforce.

7 (6) Incumbent worker and career ladder train-
8 ing and skill upgrading and retraining.

9 (7) Identification and removal of barriers pre-
10 venting qualified individuals from securing and re-
11 taining a job.

12 (8) Curriculum development at the under-
13 graduate and postgraduate levels.

14 (9) Development and support of water resource
15 management major, minor, or certificate programs.

16 (10) Outreach, recruitment, career guidance,
17 and case management services.

18 (11) Such other activities, as determined by the
19 Secretary, to meet the purposes of this section.

20 (f) GRANT PROPOSALS.—

21 (1) SUBMISSION PROCEDURE FOR GRANT PRO-
22 POSALS.—An eligible entity seeking to receive a
23 grant under this section shall submit a grant pro-
24 posal to the Secretary at such time, in such manner,

1 and containing such information as the Secretary
2 may require.

3 (2) CONTENT OF GRANT PROPOSALS.—A grant
4 proposal submitted to the Secretary under this sec-
5 tion shall include a detailed description of—

6 (A) the specific project for which the grant
7 proposal is submitted, including the manner in
8 which the grant will be used to develop, offer,
9 or improve a program to improve recruitment
10 and retention in the water or wastewater utility
11 sector;

12 (B) any previous experience of the eligible
13 entity in providing such programs; and

14 (C) the extent to which such project will
15 meet the needs identified under subsection (i).

16 (g) CRITERIA FOR AWARD OF GRANTS.—

17 (1) IN GENERAL.—Subject to appropriations,
18 the Secretary shall award grants under this section
19 based on an evaluation of—

20 (A) the merits of the grant proposal;

21 (B) the likely improvement to job recruit-
22 ment and retention as a result of the grant pro-
23 posal; and

1 (C) the availability and capacity of existing
2 educational programs in the community to meet
3 future demand for such programs.

4 (2) PRIORITY.—Priority in awarding grants
5 under this section shall be given to an eligible entity
6 that—

7 (A) includes the equal participation of in-
8 dustry and labor organizations, including joint
9 labor-management training programs and work-
10 force investment boards;

11 (B) has entered into a memorandum of un-
12 derstanding with an employer that is a water
13 district or organization with water delivery au-
14 thority to foster workforce development, recruit-
15 ment, and retention, and can leverage addi-
16 tional public and private resources to fund ac-
17 tivities that further the purposes of the grant;

18 (C) focuses on individuals who are—

19 (i) veterans, members of the reserve
20 components of the Armed Forces, or
21 former members of such reserve compo-
22 nents;

23 (ii) unemployed;

1 (iii) seeking employment pathways out
2 of poverty and into economic self-suffi-
3 ciency;

4 (iv) at-risk youth;

5 (v) formerly incarcerated, adjudicated,
6 nonviolent offenders; or

7 (vi) from populations that are tradi-
8 tionally underrepresented in the infrastruc-
9 ture workforce; or

10 (D) with respect to an eligible entity that
11 is an institution of higher education, has a high
12 percentage or number of minority or low-income
13 students.

14 (3) GEOGRAPHIC DISTRIBUTION.—The Sec-
15 retary shall, to the extent practicable, award grants
16 under this section in a manner that provides for a
17 reasonable geographic distribution, except that the
18 Secretary shall prioritize grants to institutions fo-
19 cused on the water management challenges of the
20 Reclamation States.

21 (h) DATA COLLECTION AND REPORTING.—

22 (1) IN GENERAL.—A grantee under this sec-
23 tion, shall collect and report to the Secretary on an
24 annual basis the following:

1 (A) The number of participants enrolled in
2 the program.

3 (B) The number of participants that have
4 completed the program.

5 (C) The services received by such partici-
6 pants, including a description of training, edu-
7 cation, and supportive services.

8 (D) The amount spent by the grantee per
9 participant.

10 (E) The rate of job placement of partici-
11 pants with a water district or other entity in
12 the water and wastewater utilities sector.

13 (F) The rate of employment retention 1
14 year after completion of the program or 1 year
15 after the participant is no longer enrolled in
16 such institution of higher education, whichever
17 is later.

18 (G) The average wage at placement, in-
19 cluding any benefits, and the rate of average
20 wage increase after 1 year.

21 (H) Any factors determined as signifi-
22 cantly interfering with recruitment and reten-
23 tion.

1 (2) DISAGGREGATION OF DATA.—The data col-
2 lected and reported under this subsection shall be
3 disaggregated by—

4 (A) race;

5 (B) gender;

6 (C) low-income status;

7 (D) disability; and

8 (E) English language proficiency.

9 (3) ASSISTANCE FROM SECRETARY.—The Sec-
10 retary shall assist grantees in the collection of data
11 under this subsection by making available, where
12 practicable, low-cost means of tracking the labor
13 market outcomes of participants and by providing
14 standardized reporting forms, where appropriate.

15 (i) INTERAGENCY RESEARCH PROGRAM AND CO-
16 ORDINATION.—

17 (1) INTERAGENCY LABOR MARKET RESEARCH
18 PROGRAM.—

19 (A) MEMORANDUM OF UNDERSTANDING.—

20 Not later than 120 days after the date of the
21 enactment of this section, the Secretary shall
22 enter into a memorandum of understanding
23 with the Administrator of the Environmental
24 Protection Agency, the Secretary of Agriculture,

1 and the Secretary of Labor, acting through the
2 Bureau of Labor Statistics, on a program to—

3 (i) collect and analyze labor market
4 data in the water and wastewater utilities
5 sector, including the data collected in sub-
6 section (h);

7 (ii) track workforce trends, including
8 those affecting recruitment and retention;
9 and

10 (iii) identify the educational and ca-
11 reer training needs for current and future
12 jobs in the water and wastewater utilities
13 sector, including those related to construc-
14 tion and installation, engineering, oper-
15 ation, and maintenance.

16 (B) COLLABORATION.—Activities carried
17 out under this paragraph shall include collabo-
18 ration with State and local governments, work-
19 force investment boards, industry, labor organi-
20 zations, water districts, and nonprofit organiza-
21 tions.

22 (2) COORDINATION BETWEEN FEDERAL WATER
23 CAREER TRAINING PROGRAMS.—Not later than 180
24 days after the date of the enactment of this section,
25 the Secretary shall enter into a memorandum of un-

1 derstanding with the Administrator of the Environ-
2 mental Protection Agency to facilitate coordination
3 and collaboration between the career training pro-
4 gram established by this section and the Innovative
5 Water Infrastructure Workforce Development Pro-
6 gram, including the improvement of such career
7 training programs over time to reflect the needs
8 identified by the interagency research program es-
9 tablished in paragraph (1).

10 (j) GUIDELINES.—Not later than 240 days after the
11 date of the enactment of this section, the Secretary shall—

12 (1) promulgate guidelines for the submission of
13 grant proposals under this section, including a list of
14 the needs identified under subsection (i); and

15 (2) publish and maintain such guidelines on a
16 public website of the Secretary.

17 (k) REPORTING REQUIREMENT.—Not later than 18
18 months after the date of the enactment of this section,
19 and every 2 years thereafter, the Secretary shall submit
20 a report to the Committee on Natural Resources of the
21 House of Representatives and the Committee on Energy
22 and Natural Resources of the Senate on the grant pro-
23 grams established by this section and the Innovative
24 Water Infrastructure Workforce Development Program.
25 The report shall include a description of the grantees and

1 the activities for which grantees used a grant awarded
2 under this section.

3 (l) DEFINITIONS.—In this section:

4 (1) COMMUNITY COLLEGE.—The term “commu-
5 nity college” has the meaning given the term “junior
6 or community college” in section 312(f) of the High-
7 er Education Act of 1965 (20 U.S.C. 1058(f)).

8 (2) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means a nonprofit entity or partnership that
10 demonstrates experience in implementing and oper-
11 ating worker skills training and education programs
12 such as a labor organization or an institution of
13 higher education, as such term is defined in section
14 101 of the Higher Education Act of 1965 (20
15 U.S.C. 1001).

16 (3) GRANTEE.—The term “grantee” means an
17 eligible entity that has received a grant under this
18 section.

19 (4) LEAD APPLICANT.—The term “lead appli-
20 cant” means the eligible entity that is primarily re-
21 sponsible for the preparation, conduct, and adminis-
22 tration of the project for which the grant was award-
23 ed.

24 (5) INNOVATIVE WATER INFRASTRUCTURE
25 WORKFORCE DEVELOPMENT PROGRAM.—The term

1 “Innovative Water Infrastructure Workforce Development Program” means the program authorized by
2 Section 4304(b) of Public Law 115–270.

3 (6) LOW-INCOME STUDENT.—The term “low-income student” means a student whose income (ad-
4 justed for family size) does not exceed—

5 (A) for metropolitan areas, 80 percent of
6 the area median income; and

7 (B) for nonmetropolitan areas, the greater
8 of—

9 (i) 80 percent of the area median in-
10 come; or

11 (ii) 80 percent of the statewide non-
12 metropolitan area median income.

13 **CHAPTER 5—MISCELLANEOUS**

14 **SEC. 81251. OFFSET.**

15 (a) PURPOSE; DEFINITION.—

16 (1) PURPOSE.—The purpose of this section is
17 to establish an efficient and transparent 1-time process for deauthorizing Bureau of Reclamation
18 projects that have failed—

19 (A) to receive a minimum level of Federal
20 investment; or

21 (B) to initiate construction.

1 (2) DEFINITION OF RECLAMATION PROJECT.—

2 In this section, the term “Reclamation project”
3 means a surface water storage project or project
4 under the purview of title XVI of Public Law 102–
5 575 that is to be carried out, funded or operated in
6 whole or in part by the Secretary pursuant to the
7 Act of June 17, 1902 (32 Stat. 388, chapter 1093),
8 and Acts supplemental to and amendatory of that
9 Act (43 U.S.C. 371 et seq.).

10 (b) BACKLOG LIST.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary shall
12 submit to the Committee on Energy and Natural Re-
13 sources of the Senate and the Committee on Natural Re-
14 sources of the House of Representatives, and make avail-
15 able on a publicly accessible internet website in a manner
16 that is downloadable, searchable, and sortable, a list of—

17 (1) Reclamation projects—

18 (A) that are authorized; and

19 (B) for which, during the fiscal year in
20 which this Act is enacted and each of the pre-
21 ceding 10 fiscal years—

22 (i) no application for Federal funding
23 has been received; and

24 (ii) no construction has occurred; and

1 (2) for each Reclamation project listed under
2 paragraph (1)—

3 (A) the date of authorization of the Rec-
4 lamation project, including any subsequent
5 modifications to the original authorization;

6 (B) a brief description of the Reclamation
7 project; and

8 (C) any amounts appropriated for the Rec-
9 lamation project that remain unobligated.

10 (c) INTERIM DEAUTHORIZATION LIST.—

11 (1) IN GENERAL.—The Secretary shall develop
12 and make publicly available an interim deauthoriza-
13 tion list that identifies each Reclamation project de-
14 scribed in subsection (b)(1).

15 (2) PUBLIC COMMENT AND CONSULTATION.—

16 (A) IN GENERAL.—The Secretary shall so-
17 licit and accept, for a period of not less than 90
18 days, comments relating to the interim de-
19 authorization list under paragraph (1) from—

20 (i) the public; and

21 (ii) the Governor of each applicable
22 State.

23 (B) PROJECT SPONSORS.—As part of the
24 public comment period under subparagraph (A),
25 the Secretary shall provide to project sponsors

1 the opportunity to provide to the Secretary a
2 notice of the intent to initiate construction of
3 the project by not later than the date that is 2
4 years after the date of publication of the pre-
5 liminary final deauthorization list under sub-
6 section (d).

7 (3) SUBMISSION TO CONGRESS; PUBLICA-
8 TION.—Not later than 90 days after the date of sub-
9 mission of the backlog list under subsection (b), the
10 Secretary shall—

11 (A) submit the interim deauthorization list
12 under paragraph (1) to the Committee on En-
13 ergy and Natural Resources of the Senate and
14 the Committee on Natural Resources of the
15 House of Representatives; and

16 (B) publish the interim deauthorization list
17 in the Federal Register.

18 (d) PRELIMINARY FINAL DEAUTHORIZATION LIST.—

19 (1) IN GENERAL.—The Secretary shall develop
20 a preliminary final deauthorization list that includes
21 each project identified pursuant to paragraph (2).

22 (2) IDENTIFICATION OF PROJECTS.—

23 (A) EXCLUSIONS.—The Secretary may
24 identify a Reclamation project described in sub-
25 section (b)(1) for exclusion from the prelimi-

1 nary final deauthorization list if the Secretary
2 determines, on a case-by-case basis following re-
3 ceipt of public comments, that the project is
4 critical for interests of the United States, based
5 on the practicable impact of the project on—

- 6 (i) public health and safety;
7 (ii) the national economy; or
8 (iii) the environment.

9 (B) SUBJECT TO DEAUTHORIZATION DES-
10 IGNATION.—Any Reclamation project the spon-
11 sor of which has provided to the Secretary a no-
12 tice of the intent to initiate construction by not
13 later than 2 years after the date of publication
14 of the preliminary final deauthorization list
15 under this subsection shall be designated on
16 that list as “subject to deauthorization”.

17 (C) APPENDIX.—The Secretary shall in-
18 clude as part of the preliminary final deauthor-
19 ization list under this subsection an appendix
20 that—

- 21 (i) identifies each Reclamation project
22 included on the interim deauthorization list
23 under subsection (c) that is not included
24 on the preliminary final deauthorization
25 list; and

1 (ii) describes the reasons why each
2 Reclamation project identified under clause
3 (i) is not included on the preliminary final
4 deauthorization list.

5 (3) SUBMISSION TO CONGRESS; PUBLICA-
6 TION.—Not later than 120 days after the date of ex-
7 piration of the public comment period under sub-
8 section (c)(2)(A), the Secretary shall—

9 (A) submit to the Committee on Energy
10 and Natural Resources of the Senate and the
11 Committee on Natural Resources of the House
12 of Representatives the preliminary final de-
13 authorization list and the appendix required
14 under this subsection; and

15 (B) publish the preliminary final deauthor-
16 ization list and appendix in the Federal Reg-
17 ister.

18 (e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—
19 Effective beginning on the date that is 180 days after the
20 date of submission to Congress of the preliminary final
21 deauthorization list under subsection (d)(3)(A), each Rec-
22 lamation project included on that list is deauthorized, un-
23 less—

1 (1) the Reclamation project is designated as
2 “subject to deauthorization” pursuant to subsection
3 (d)(2)(B); or

4 (2) Congress has enacted a joint resolution dis-
5 approving the preliminary final deauthorization list.

6 (f) UPDATED FINAL DEAUTHORIZATION LIST.—

7 (1) PUBLICATION.—Not later than the date
8 that is 2 years after the date of publication of the
9 preliminary final deauthorization list under sub-
10 section (d)(3)(B), the Secretary shall publish an up-
11 dated final deauthorization list.

12 (2) PROJECTS SUBJECT TO DEAUTHORIZA-
13 TION.—On the updated final deauthorization list
14 under this subsection, the Secretary shall describe
15 any Reclamation project designated as “subject to
16 deauthorization” on the preliminary final deauthor-
17 ization list pursuant to subsection (d)(2)(B) as—

18 (A) authorized, if the Secretary has re-
19 ceived evidence that the sponsor of the Rec-
20 lamation project has substantially initiated con-
21 struction on the Reclamation project; or

22 (B) deauthorized, if the Secretary has not
23 received the evidence described in subparagraph
24 (A).

1 **Subtitle C—Western Water**
2 **Security**

3 **SEC. 81301. DEFINITIONS.**

4 In this subtitle:

5 (1) RIO GRANDE COMPACT.—The term “Rio
6 Grande Compact” means the compact approved by
7 Congress under the Act of May 31, 1939 (53 Stat.
8 785, chapter 155).

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (3) STATE.—The term “State” means the State
12 of New Mexico.

13 **CHAPTER 1—INFRASTRUCTURE AND**
14 **WATER MANAGEMENT IMPROVEMENT**

15 **SEC. 81311. WATERSMART EXTENSION AND EXPANSION.**

16 (a) DEFINITION OF ELIGIBLE APPLICANT.—Section
17 9502 of the Omnibus Public Land Management Act of
18 2009 (42 U.S.C. 10362) is amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “section” and inserting “subtitle”;

21 (2) by striking paragraph (7) and inserting the
22 following:

23 “(7) ELIGIBLE APPLICANT.—The term ‘eligible
24 applicant’ means—

1 “(A) any State, Indian tribe, irrigation dis-
2 trict, or water district;

3 “(B) any State, regional, or local author-
4 ity, the members of which include one or more
5 organizations with water or power delivery au-
6 thority;

7 “(C) any other organization with water or
8 power delivery authority; or

9 “(D) any nonprofit conservation organiza-
10 tion.”;

11 (3) by redesignating paragraphs (13) through
12 (17) as paragraphs (14) through (18), respectively;
13 and

14 (4) by inserting after paragraph (12) the fol-
15 lowing:

16 “(13) NATURAL WATER RECHARGE INFRA-
17 STRUCTURE.—The term ‘natural water recharge in-
18 frastructure’ means a single project, a number of
19 distributed projects across a watershed, or the rede-
20 sign and replacement, or removal, of built infra-
21 structure to incorporate natural aquatic elements, in
22 which the project—

23 “(A) uses natural materials appropriate to
24 the specific site and landscape setting;

1 “(B) mimics natural riverine, floodplain,
2 riparian, wetland, hydrologic, or other ecological
3 processes; and

4 “(C) results in aquifer recharge, transient
5 floodplain water retention, or restoration of
6 water in the landscape such that the water re-
7 turns to a wetland, riparian area, or surface
8 water channel.”.

9 (b) RESEARCH AGREEMENTS.—Section 9504(b)(1)
10 of the Omnibus Public Land Management Act of 2009 (42
11 U.S.C. 10364(b)(1)) is amended—

12 (1) in the matter preceding subparagraph (A),
13 by inserting “nonprofit conservation organization,”
14 before “or organization”;

15 (2) in subparagraph (B), by striking “or” at
16 the end;

17 (3) by redesignating subparagraph (C) as sub-
18 paragraph (D); and

19 (4) by inserting after subparagraph (B) the fol-
20 lowing:

21 “(C) to increase natural water recharge in-
22 frastructure; or”.

23 (c) WATER MANAGEMENT IMPROVEMENT.—Section
24 9504(e) of the Omnibus Public Land Management Act of
25 2009 (42 U.S.C. 10364(e)) is amended by striking

1 “\$530,000,000” and inserting “\$700,000,000, subject to
2 the condition that \$50,000,000 of that amount shall be
3 used to carry out section 206 of the Energy and Water
4 Development and Related Agencies Appropriations Act,
5 2015 (43 U.S.C. 620 note; Public Law 113–235)”.

6 (d) CONFORMING AMENDMENT.—Section 4009(d) of
7 Public Law 114–322 (42 U.S.C. 10364 note) is amended
8 by striking “on the condition that of that amount,
9 \$50,000,000 of it is used to carry out section 206 of the
10 Energy and Water Development and Related Agencies Ap-
11 propriation Act, 2015 (43 U.S.C. 620 note; Public Law
12 113–235)”.

13 **SEC. 81312. EMERGENCY DROUGHT FUNDING.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
15 301 of the Reclamation States Emergency Drought Relief
16 Act of 1991 (43 U.S.C. 2241) is amended—

17 (1) by striking “120,000,000” and inserting
18 “180,000,000”; and

19 (2) by striking “2020” and inserting “2025, of
20 which not more than \$30,000,000 shall be made
21 available during that period for the conduct of ac-
22 tions authorized under title I of the Reclamation
23 States Emergency Drought Relief Act of 1991 (43
24 U.S.C. 2211 et seq.) to benefit imperiled fish and
25 wildlife”.

1 (b) APPLICABLE PERIOD OF DROUGHT PROGRAM.—
2 Section 104 of the Reclamation States Emergency
3 Drought Relief Act of 1991 (43 U.S.C. 2214) is amended
4 by striking subsection (a) and inserting the following:

5 “(a) IN GENERAL.—The programs and authorities
6 established under this title shall become operative in any
7 Reclamation State and in the State of Hawaii only—

8 “(1) after the Governor or Governors of the af-
9 fected State or States, or the governing body of an
10 affected Indian Tribe with respect to a reservation,
11 has made a request for temporary drought assist-
12 ance and the Secretary has determined that the tem-
13 porary assistance is merited;

14 “(2) after a drought emergency has been de-
15 clared by the Governor or Governors of the affected
16 State or States; or

17 “(3) on approval of a drought contingency plan
18 as provided in title II.”.

19 (c) REAUTHORIZATION.—Section 104(c) of the Rec-
20 lamation States Emergency Drought Relief Act of 1991
21 (43 U.S.C. 2214(c)) is amended by striking “2020” and
22 inserting “2030”.

1 **SEC. 81313. RIO GRANDE PUEBLO IRRIGATION INFRA-**
2 **STRUCTURE REAUTHORIZATION.**

3 Section 9106 of the Omnibus Public Land Manage-
4 ment Act of 2009 (Public Law 111–11; 123 Stat. 1304)
5 is amended—

6 (1) in subsection (c)(4), by striking “2 years
7 after the date of enactment of this Act, the Sec-
8 retary shall submit to the Committee on Energy and
9 Natural Resources of the Senate and the Committee
10 on Resources” and inserting “December 31, 2020,
11 the Secretary shall submit to the Committee on En-
12 ergy and Natural Resources of the Senate and the
13 Committee on Natural Resources”; and

14 (2) in subsection (g)(2)—

15 (A) by striking “\$6,000,000” and inserting
16 “such sums as may be necessary”; and

17 (B) by striking “2010 through 2019” and
18 inserting “2020 through 2029”.

19 **CHAPTER 2—GROUNDWATER**
20 **MANAGEMENT**

21 **SEC. 81321. REAUTHORIZATION AND EXPANSION OF THE**
22 **TRANSBOUNDARY AQUIFER ASSESSMENT**
23 **PROGRAM.**

24 (a) DESIGNATION OF PRIORITY TRANSBOUNDARY
25 AQUIFERS.—Section 4(c)(2) of the United States-Mexico
26 Transboundary Aquifer Assessment Act (42 U.S.C. 1962

1 note; Public Law 109–448) is amended by striking “New
2 Mexico or Texas” and inserting “New Mexico, Texas, or
3 Arizona (other than an aquifer underlying Arizona and
4 Sonora, Mexico, that is partially within the Yuma ground-
5 water basin designated by the order of the Director of the
6 Arizona Department of Water Resources dated June 21,
7 1984)”.

8 (b) REAUTHORIZATION.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—

10 Section 8(a) of the United States-Mexico Trans-
11 boundary Aquifer Assessment Act (42 U.S.C. 1962
12 note; Public Law 109–448) is amended by striking
13 “fiscal years 2007 through 2016” and inserting “fis-
14 cal years 2021 through 2029”.

15 (2) SUNSET OF AUTHORITY.—Section 9 of the
16 United States-Mexico Transboundary Aquifer As-
17 sessment Act (42 U.S.C. 1962 note; Public Law
18 109–448) is amended by striking “enactment of this
19 Act” and inserting “enactment of the Moving For-
20 ward Act”.

21 **SEC. 81322. GROUNDWATER MANAGEMENT ASSESSMENT**
22 **AND IMPROVEMENT.**

23 Section 9504(a) of the Omnibus Public Land Man-
24 agement Act of 2009 (42 U.S.C. 10364(a)) is amended—

25 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph
2 (A), by inserting “or carrying out any activity”
3 after “any improvement”;

4 (B) by striking subparagraphs (A) through
5 (E);

6 (C) by redesignating subparagraphs (F)
7 through (H) as subparagraphs (B) through
8 (D), respectively;

9 (D) by inserting before subparagraph (B)
10 (as so redesignated) the following:

11 “(A) to assist States and water users in
12 complying with interstate compacts through
13 temporary, voluntary, and compensated trans-
14 actions that decrease consumptive water use at
15 a regional or watershed scale;”;

16 (E) in subparagraph (B) (as so redesign-
17 ated), by striking “to prevent” and inserting
18 “to achieve the prevention of”;

19 (F) in subparagraph (C) (as so redesign-
20 ated), by striking “to accelerate” and inserting
21 “to achieve the acceleration of”; and

22 (G) in subparagraph (D) (as so redesign-
23 ated)—

24 (i) by striking clause (i) and inserting
25 the following:

1 “(i) to increase ecological resilience to
2 climate change, including by enhancing
3 natural water recharge infrastructure with-
4 in a floodplain or riparian wetland, by ad-
5 dressing climate-related impacts or vulner-
6 ability to the water supply of the United
7 States;”;

8 (ii) in clause (ii), by striking the pe-
9 riod at the end and inserting “; or”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(iii) to plan for or address the im-
13 pacts of drought.”;

14 (2) by redesignating paragraphs (2) and (3) as
15 paragraphs (3) and (4), respectively;

16 (3) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) ELIGIBLE PROJECTS.—The improvements
19 or activities eligible for assistance under paragraph
20 (1) may include improvements or activities—

21 “(A) using an approach—

22 “(i) to conserve water;

23 “(ii) to increase water use efficiency;

24 “(iii) to facilitate water markets; or

1 “(iv) to enhance water management,
2 including increasing the use of renewable
3 energy in the management and delivery of
4 water or increasing natural water recharge
5 infrastructure;

6 “(B) to improve the condition of natural
7 water recharge infrastructure; or

8 “(C) to achieve the acceleration of the
9 adoption and use of advanced water treatment
10 technologies to increase water supply.”; and

11 (4) in paragraph (4) (as so redesignated)—

12 (A) in subparagraph (B)(i), by striking
13 subclause (II) and inserting the following:

14 “(II) to use the assistance pro-
15 vided under a grant or agreement to
16 increase the consumptive use of water
17 for agricultural operations above the
18 pre-project levels, as determined pur-
19 suant to the law of the State in which
20 the operation of the eligible applicant
21 is located.”; and

22 (B) in subparagraph (E)—

23 (i) by striking clause (i) and inserting
24 the following:

25 “(i) FEDERAL SHARE.—

1918

1 “(I) IN GENERAL.—Except as
2 provided in subclause (II), the Federal
3 share of the cost of any infrastructure
4 improvement or activity that is the
5 subject of a grant or other agreement
6 entered into between the Secretary
7 and an eligible applicant under para-
8 graph (1) shall not exceed 50 percent
9 of the cost of the infrastructure im-
10 provement or activity.

11 “(II) INCREASED FEDERAL
12 SHARE FOR CERTAIN INFRASTRUC-
13 TURE IMPROVEMENTS AND ACTIVI-
14 TIES.—

15 “(aa) IN GENERAL.—The
16 Federal share of the cost of an
17 infrastructure improvement or
18 activity described in item (bb)
19 shall not exceed 75 percent of the
20 cost of the infrastructure im-
21 provement or activity.

22 “(bb) INFRASTRUCTURE IM-
23 PROVEMENTS AND ACTIVITIES
24 DESCRIBED.—An infrastructure
25 improvement or activity referred

1 to in item (aa) is an infrastruc-
2 ture improvement or activity that
3 provides benefits to consumptive
4 water users and nonconsumptive
5 ecological or recreational values
6 in which—

7 “(AA) in the case of an
8 infrastructure improvement
9 or activity that conserves
10 water, the conserved water
11 is returned to a surface
12 water source with ecological
13 or recreational benefits; or

14 “(BB) in the case of
15 other infrastructure im-
16 provements or activities, the
17 majority of the benefits are
18 nonconsumptive ecological or
19 recreational benefits.”; and

20 (ii) in clause (ii), in the matter pre-
21 ceding subclause (I), by striking “para-
22 graph (2)” and inserting “paragraph (3)”.

1 **SEC. 81323. SURFACE AND GROUNDWATER WATER AVAIL-**
2 **ABILITY AND THE ENERGY NEXUS.**

3 Section 9508(d)(3) of the Omnibus Public Land
4 Management Act of 2009 (42 U.S.C. 10368(d)(3)) is
5 amended—

6 (1) in subparagraph (D), by striking “and” at
7 the end;

8 (2) in subparagraph (E), by striking the semi-
9 colon and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(F) oil, gas, and mineral development
12 under the Mineral Leasing Act (30 U.S.C. 181
13 et seq.), the Act of May 11, 1938 (commonly
14 known as the ‘Indian Mineral Leasing Act of
15 1938’) (25 U.S.C. 396a et seq.), sections 2319
16 through 2344 of the Revised Statutes (com-
17 monly known as the ‘Mining Law of 1872’) (30
18 U.S.C. 22 et seq.), and the Outer Continental
19 Shelf Lands Act (43 U.S.C. 1331 et seq.);”.

20 **CHAPTER 3—WATER CONSERVATION AND**
21 **ENVIRONMENTAL RESTORATION**

22 **SEC. 81331. DEFINITIONS.**

23 In this title:

24 (1) **BASIN.**—The term “Basin”—

25 (A) is limited to areas within the State;

26 and

- 1 (B) means each of—
- 2 (i) the Upper Rio Grande Basin;
- 3 (ii) the Middle Rio Grande Basin;
- 4 (iii) the Lower Rio Grande Basin;
- 5 (iv) the Lower Pecos River Basin;
- 6 (v) the Gila River Basin;
- 7 (vi) the Canadian River Basin;
- 8 (vii) the San Francisco River Basin;
- 9 and
- 10 (viii) the San Juan River Basin.

11 (2) DISTRICT.—The term “District” means—

- 12 (A) the Middle Rio Grande Conservancy
- 13 District;
- 14 (B) the Elephant Butte Irrigation District;
- 15 (C) the Carlsbad Irrigation District;
- 16 (D) the Arch Hurley Conservancy District;
- 17 (E) the Pecos Valley Artesian Conservation
- 18 District; or
- 19 (F) the San Juan Water Commission.

20 (3) PUEBLO.—The term “Pueblo” means each

21 of the following pueblos in the State:

- 22 (A) Cochiti.
- 23 (B) Santo Domingo.
- 24 (C) San Felipe.
- 25 (D) Santa Ana.

1 (E) Sandia.

2 (F) Isleta.

3 **SEC. 81332. WATER ACQUISITION PROGRAM.**

4 (a) AUTHORIZATION.—The Secretary, acting through
5 the Commissioner of Reclamation, shall carry out in the
6 Basins a water acquisition program in coordination with
7 the other appropriate Federal agencies, State agencies,
8 and non-Federal stakeholders, under which the Secretary
9 shall—

10 (1) make acquisitions, or assist the State or a
11 District in making acquisitions, of water in the Ba-
12 sins by lease or purchase of water rights or contrac-
13 tual entitlements from willing lessors or sellers, con-
14 sistent with section 8 of the Act of June 17, 1902
15 (43 U.S.C. 383), the Rio Grande Compact, and ap-
16 plicable State law relating to the acquisition and ad-
17 ministration of water rights; and

18 (2) take any other actions, consistent with sec-
19 tion 8 of the Act of June 17, 1902 (43 U.S.C. 383),
20 the Rio Grande Compact, and applicable State law,
21 that the Secretary determines would achieve the pur-
22 poses of the water acquisition program described in
23 subsection (b).

24 (b) PURPOSES.—The purposes of the water acquisi-
25 tion program are—

1 (1) to enhance stream flow to benefit fish and
2 wildlife (including endangered species), water qual-
3 ity, and river ecosystem restoration in the Basins;

4 (2) to enhance stewardship and conservation of
5 working land, water, and watersheds in the Basins,
6 consistent with the purpose described in paragraph
7 (1); and

8 (3) to address water supply-demand imbalances
9 in the Basins, consistent with State law and the pur-
10 pose described in paragraph (1).

11 (c) COORDINATION.—To assist in developing and ad-
12 ministering the program, the Secretary may provide funds
13 to the State, a District, or a federally established nonprofit
14 entity with particular expertise in western water trans-
15 actions.

16 (d) DISTRICT PROJECTS.—Subject to the Rio Grande
17 Compact and applicable State law, the Secretary may de-
18 velop programs to provide—

19 (1) cost-share assistance to a District to reduce
20 water depletions by agricultural producers and
21 irrigators in that District by making irrigation sys-
22 tem improvements and increasing system efficiency;

23 (2) incentives to a District for the establish-
24 ment of a water leasing program from willing lessors
25 for agricultural producers and irrigators in that Dis-

1 trict to temporarily lease pre-1907 water rights (in-
2 stead of permanent severance from irrigable land)
3 for the purpose of providing benefits to species listed
4 as threatened or endangered under the Endangered
5 Species Act of 1973 (16 U.S.C. 1531 et seq.) and
6 other river ecosystem benefits; and

7 (3) cost-share assistance to a District to imple-
8 ment infrastructure or operational changes that will
9 allow for effective management of a leasing program,
10 while maintaining adequate water deliveries to other
11 agricultural producers and irrigators.

12 **SEC. 81333. MIDDLE RIO GRANDE WATER CONSERVATION.**

13 (a) IN GENERAL.—The Secretary, in cooperation
14 with a District and in consultation with the Pueblos, may
15 provide funding and technical assistance for the installa-
16 tion of metering and measurement devices and the con-
17 struction of check structures on irrigation diversions, ca-
18 nals, laterals, ditches, and drains—

19 (1) to ensure the conservation and efficient use
20 of water within that District by—

21 (A) reducing actual consumptive use; or

22 (B) not increasing the use of water; and

23 (2) to improve the measurement and allocation
24 of water, including water acquired through the water

1 acquisition program established under section
2 81332.

3 (b) RIO GRANDE, SAN ACACIA, AND ISLETA
4 REACHES.—

5 (1) IN GENERAL.—The Secretary shall provide
6 for the development of a comprehensive plan for the
7 San Acacia and Isleta reaches to plan, design, per-
8 mit, construct, and prioritize projects that balance
9 river maintenance, water availability, use, and deliv-
10 ery, and ecosystem benefits, including—

11 (A) planning, permitting, and construction
12 of a pumping station at Bosque del Apache Na-
13 tional Wildlife Refuge for the purpose of more
14 efficiently using water to provide—

15 (i) a stable supply for the Refuge; and

16 (ii) an efficient and reliable supply of
17 water to the Rio Grande for the benefit of
18 the endangered silvery minnow and South-
19 western willow flycatcher;

20 (B) planning, permitting, and construction
21 of a river channel realignment project near the
22 Rio Grande mile-83 for the purpose of con-
23 veying water and sediment through the reach to
24 Elephant Butte Reservoir and addressing river

1 channel aggradation while maintaining flood-
2 plain connectivity during the snowmelt runoff;

3 (C) planning, permitting, and construction
4 of a controlled outlet for the low flow convey-
5 ance channel to the Rio Grande between Fort
6 Craig, New Mexico, and Rio Grande mile-60 for
7 the purpose of water use and delivery, enhance-
8 ment and development of habitat areas, and
9 possible creation of a single-channel river eco-
10 system; and

11 (D) development of a Lower Reach plan—

12 (i) to identify additional projects and
13 maintenance activities with water use, sedi-
14 ment management, and delivery and eco-
15 system benefits; and

16 (ii) to prioritize implementation of all
17 projects and activities.

18 (2) PUBLIC PARTICIPATION.—In carrying out
19 this subsection, the Secretary shall provide a process
20 for public participation and comment during plan
21 development and alternative analysis.

22 **SEC. 81334. SUSTAINING BIODIVERSITY DURING**
23 **DROUGHTS.**

24 Section 9503(b) of the Omnibus Public Land Man-
25 agement Act of 2009 (42 U.S.C. 10363(b)) is amended—

1 (1) in paragraph (3)(D), by inserting “and na-
2 tive biodiversity” after “wildlife habitat”; and

3 (2) in paragraph (4)(B), by inserting “and
4 drought biodiversity plans to address sustaining na-
5 tive biodiversity during periods of drought” after
6 “restoration plans”.

7 **SEC. 81335. REAUTHORIZATION OF COOPERATIVE WATER-**
8 **SHED MANAGEMENT PROGRAM.**

9 Section 6002(g)(4) of the Omnibus Public Land
10 Management Act of 2009 (16 U.S.C. 1015a(g)(4)) is
11 amended by striking “2020” and inserting “2031”.

12 **CHAPTER 4—EFFECT ON EXISTING LAW**

13 **SEC. 81341. EFFECT ON EXISTING LAW.**

14 (a) **IN GENERAL.**—An action taken by the Secretary
15 or another entity under this subtitle or an amendment
16 made by this subtitle shall comply with applicable State
17 laws in effect on the date of enactment of this Act.

18 (b) **STATE LAW.**—Nothing in this subtitle or an
19 amendment made by this subtitle affects, is intended to
20 affect, or interferes with a law of the State relating to
21 the control, appropriation, use, or distribution of water,
22 or any vested right acquired under the law.

23 (c) **RIO GRANDE COMPACT.**—Nothing in this subtitle
24 or an amendment made by this subtitle affects or is in-
25 tended to affect or interfere with any obligation of a State

1 under the Rio Grande Compact or any litigation relating
2 to the Rio Grande Compact.

3 **Subtitle D—Water Resources**
4 **Research Amendments**

5 **SEC. 81411. WATER RESOURCES RESEARCH ACT AMEND-**
6 **MENTS.**

7 (a) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
8 tion 104(b)(1) of the Water Resources Research Act of
9 1984 (42 U.S.C. 10303(b)(1)) is amended—

10 (1) in subparagraph (B)(ii), by striking “water-
11 related phenomena” and inserting “water re-
12 sources”; and

13 (2) in subparagraph (D), by striking the period
14 at the end and inserting “; and”.

15 (b) COMPLIANCE REPORT.—Section 104(c) of the
16 Water Resources Research Act of 1984 (42 U.S.C.
17 10303(c)) is amended—

18 (1) by striking subsection (c) and inserting the
19 following:

20 “(c) GRANTS.—

21 “(1) IN GENERAL.—From the sums appro-
22 priated pursuant to subsection (f) of this section, the
23 Secretary shall make grants to each institute to be
24 matched on a basis of no less than 1 non-Federal
25 dollar for every 1 Federal dollar.”; and

1 (2) by adding at the end the following:

2 “(2) REPORT.—Not later than December 31 of
3 each fiscal year, the Secretary shall submit to the
4 Committee on Environment and Public Works of the
5 Senate, the Committee on the Budget of the Senate,
6 the Committee on Transportation and Infrastructure
7 of the House of Representatives, and the Committee
8 on the Budget of the House of Representatives a re-
9 port regarding the compliance of each funding re-
10 cipient with this subsection for the immediately pre-
11 ceding fiscal year.”.

12 (c) EVALUATION OF WATER RESOURCES RESEARCH
13 PROGRAM.—Section 104 of the Water Resources Research
14 Act of 1984 (42 U.S.C. 10303) is amended by striking
15 subsection (e) and inserting the following:

16 “(e) EVALUATION OF WATER RESOURCES RESEARCH
17 PROGRAM.—

18 “(1) IN GENERAL.—The Secretary shall con-
19 duct a careful and detailed evaluation of each insti-
20 tute at least once every 5 years to determine—

21 “(A) the quality and relevance of the water
22 resources research of the institute;

23 “(B) the effectiveness of the institute at
24 producing measured results and applied water
25 supply research; and

1 “(C) whether the effectiveness of the insti-
2 tute as an institution for planning, conducting,
3 and arranging for research warrants continued
4 support under this section.

5 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
6 as a result of an evaluation under paragraph (1), the
7 Secretary determines that an institute does not qual-
8 ify for further support under this section, no further
9 grants to the institute may be provided until the
10 qualifications of the institute are reestablished to the
11 satisfaction of the Secretary.”.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
13 104(f)(1) of the Water Resources Research Act of 1984
14 (42 U.S.C. 10303(f)(1)) is amended by striking
15 “\$12,000,000 for each of fiscal years 2007 through 2011”
16 and inserting “\$8,250,000 for each fiscal years 2020
17 through 2023”.

18 (e) ADDITIONAL APPROPRIATIONS WHERE RE-
19 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
20 NATURE.—Section 104(g)(1) of the Water Resources Re-
21 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
22 in the first sentence by striking “\$6,000,000 for each of
23 fiscal years 2007 through 2011” and inserting
24 “\$1,750,000 for each of fiscal years 2020 through 2023”.

1 **Subtitle E—Ground Water**
2 **Recharge Planning**

3 **SEC. 81511. GROUND WATER RECHARGE PLANNING.**

4 (a) DEFINITIONS.—In this section:

5 (1) CRITICALLY OVERDRAFTED BASINS.—The
6 term “Critically Overdrafted Basins” means those
7 basins identified by the California Department of
8 Water Resources pursuant to part 2.74 of the Cali-
9 fornia Water Code (commonly known as the “Cali-
10 fornia’s Sustainable Groundwater Management
11 Act”).

12 (2) RECLAMATION STATE.—The term “Rec-
13 lamation State” means a State or territory described
14 in the first section of the Act of June 17, 1902 (32
15 Stat. 388, chapter 1093; 43 U.S.C. 391).

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior, acting through the Di-
18 rector of the United States Geological Survey.

19 (b) EVALUATION AND REPORT.—

20 (1) IN GENERAL.—Not later than 4 years after
21 the date of the enactment of this Act, the Secretary
22 shall complete an evaluation and report to Congress
23 that identifies potential ground water storage and
24 recharge opportunities in each Reclamation State in-
25 cluding recharge opportunities in critically over-

1 drafted basins to help inform future Federal, State,
2 local, and other investment in ground water storage
3 projects.

4 (2) REPORT.—The report to Congress shall in-
5 clude—

6 (A) an assessment of potentially beneficial
7 storage and recharge locations based on the
8 Secretary's assessment of—

9 (i) hydrologic attributes;

10 (ii) geologic attributes;

11 (iii) engineering attributes;

12 (iv) water supply benefits;

13 (v) environmental benefits;

14 (vi) infrastructure benefits related to
15 mitigation of subsidence-related infrastruc-
16 ture damage; and

17 (vii) sustainability benefits for criti-
18 cally overdrafted basins; and

19 (B) an assessment of potential conveyance
20 infrastructure needs to move excess runoff to
21 the recharge locations identified by the Sec-
22 retary under this section.

23 (3) COORDINATION.—To the maximum extent
24 practicable, the Secretary shall coordinate research
25 activities with Reclamation State agencies, ground

1 water sustainability agencies, universities and non-
2 profit organizations in a manner designed to assist
3 with implementation of State-led initiatives such as
4 part 2.74 of the California Water Code (commonly
5 known as the “Sustainable Groundwater Manage-
6 ment Act”).

7 **Subtitle F—Tribal Water** 8 **Infrastructure**

9 **SEC. 81611. FINDING.**

10 The COVID–19 crisis has highlighted the lack of in-
11 frastructure and sanitation available in native commu-
12 nities. Addressing the Indian Health Service’s Sanitation
13 Facilities Deficiency List, as included in the 2018 report
14 titled “Annual Report to the Congress of the United
15 States on Sanitation Deficiency Levels for Indian Homes
16 and Communities”, will make investments in the necessary
17 water infrastructure and, in turn, improve health out-
18 comes.

19 **SEC. 81612. INDIAN HEALTH SERVICES SANITATION FACILI- 20 TIES CONSTRUCTION PROGRAM FUNDING.**

21 (a) **ADDITIONAL FUNDING.**—For the purpose de-
22 scribed in subsection (b), in addition to any other funds
23 available for such purpose, there is authorized to be appro-
24 priated to the Secretary of Health and Human Services

1 a total of \$2,670,000,000 for each of fiscal years 2020
2 through 2024.

3 (b) PURPOSE.—The purpose described in this sub-
4 section is the planning, design, construction, moderniza-
5 tion, improvement, and renovation of water, sewer, and
6 solid waste sanitation facilities that are funded, in whole
7 or part, by the Indian Health Service through, or provided
8 for in, a contract or compact with the Service under the
9 Indian Self-Determination and Education Assistance Act
10 (25 U.S.C. 5301 et seq.).

11 (c) PRIORITY FOR FUNDING.—When awarding fund-
12 ing under this section, the Secretary of Health and
13 Human Services, acting through the Director of the In-
14 dian Health Service, shall address the highest needs first
15 as established in the 2018 report titled “Annual Report
16 to the Congress of the United States on Sanitation Defi-
17 ciency Levels for Indian Homes and Communities”.

18 **Subtitle G—Navajo Utah Water** 19 **Rights Settlement**

20 **SEC. 81711. PURPOSES.**

21 The purposes of this subtitle are—

22 (1) to achieve a fair, equitable, and final settle-
23 ment of all claims to water rights in the State of
24 Utah for—

25 (A) the Navajo Nation; and

1 (B) the United States, for the benefit of
2 the Nation;

3 (2) to authorize, ratify, and confirm the Agree-
4 ment entered into by the Nation and the State, to
5 the extent that the Agreement is consistent with this
6 subtitle;

7 (3) to authorize and direct the Secretary—

8 (A) to execute the Agreement; and

9 (B) to take any actions necessary to carry
10 out the agreement in accordance with this sub-
11 title; and

12 (4) to authorize funds necessary for the imple-
13 mentation of the Agreement and this subtitle.

14 **SEC. 81712. DEFINITIONS.**

15 In this subtitle:

16 (1) AGREEMENT.—The term “agreement”
17 means—

18 (A) the document entitled “Navajo Utah
19 Water Rights Settlement Agreement” dated De-
20 cember 14, 2015, and the exhibits attached
21 thereto; and

22 (B) any amendment or exhibit to the docu-
23 ment or exhibits referenced in subparagraph
24 (A) to make the document or exhibits consistent
25 with this subtitle.

1 (2) ALLOTMENT.—The term “allotment” means
2 a parcel of land—

3 (A) granted out of the public domain that
4 is—

5 (i) located within the exterior bound-
6 aries of the Reservation; or

7 (ii) Bureau of Indian Affairs parcel
8 number 792 634511 in San Juan County,
9 Utah, consisting of 160 acres located in
10 Township 41S, Range 20E, sections 11,
11 12, and 14, originally set aside by the
12 United States for the benefit of an indi-
13 vidual identified in the allotting document
14 as a Navajo Indian; and

15 (B) held in trust by the United States—

16 (i) for the benefit of an individual, in-
17 dividuals, or an Indian Tribe other than
18 the Navajo Nation; or

19 (ii) in part for the benefit of the Nav-
20 ajo Nation as of the enforceability date.

21 (3) ALLOTTEE.—The term “allottee” means an
22 individual or Indian Tribe with a beneficial interest
23 in an allotment held in trust by the United States.

24 (4) ENFORCEABILITY DATE.—The term “en-
25 forceability date” means the date on which the Sec-

1 retary publishes in the Federal Register the state-
2 ment of findings described in section 81717(a).

3 (5) GENERAL STREAM ADJUDICATION.—The
4 term “general stream adjudication” means the adju-
5 dication pending, as of the date of enactment, in the
6 Seventh Judicial District in and for Grand County,
7 State of Utah, commonly known as the “South-
8 eastern Colorado River General Adjudication”, Civil
9 No. 810704477, conducted pursuant to State law.

10 (6) INJURY TO WATER RIGHTS.—The term “in-
11 jury to water rights” means an interference with,
12 diminution of, or deprivation of water rights under
13 Federal or State law, excluding injuries to water
14 quality.

15 (7) MEMBER.—The term “member” means any
16 person who is a duly enrolled member of the Navajo
17 Nation.

18 (8) NAVAJO NATION OR NATION.—The term
19 “Navajo Nation” or “Nation” means a body politic
20 and federally recognized Indian nation, as published
21 on the list established under section 104(a) of the
22 Federally Recognized Indian Tribe List Act of 1994
23 (25 U.S.C. 5131(a)), also known variously as the
24 “Navajo Nation”, the “Navajo Nation of Arizona,
25 New Mexico, & Utah”, and the “Navajo Nation of

1 Indians” and other similar names, and includes all
2 bands of Navajo Indians and chapters of the Navajo
3 Nation and all divisions, agencies, officers, and
4 agents thereof.

5 (9) NAVAJO WATER DEVELOPMENT
6 PROJECTS.—The term “Navajo water development
7 projects” means projects for domestic municipal
8 water supply, including distribution infrastructure,
9 and agricultural water conservation, to be con-
10 structed, in whole or in part, using monies from the
11 Navajo Water Development Projects Account.

12 (10) NAVAJO WATER RIGHTS.—The term “Nav-
13 ajo water rights” means the Nation’s water rights in
14 Utah described in the agreement and this subtitle.

15 (11) OM&R.—The term “OM&R” means oper-
16 ation, maintenance, and replacement.

17 (12) PARTIES.—The term “parties” means the
18 Navajo Nation, the State, and the United States.

19 (13) RESERVATION.—The term “Reservation”
20 means, for purposes of the agreement and this sub-
21 title, the Reservation of the Navajo Nation in Utah
22 as in existence on the date of enactment of this Act
23 and depicted on the map attached to the agreement
24 as Exhibit A, including any parcel of land granted
25 out of the public domain and held in trust by the

1 United States entirely for the benefit of the Navajo
2 Nation as of the enforceability date.

3 (14) SECRETARY.—The term “Secretary”
4 means the Secretary of the United States Depart-
5 ment of the Interior or a duly authorized representa-
6 tive thereof.

7 (15) STATE.—The term “State” means the
8 State of Utah and all officers, agents, departments,
9 and political subdivisions thereof.

10 (16) UNITED STATES.—The term “United
11 States” means the United States of America and all
12 departments, agencies, bureaus, officers, and agents
13 thereof.

14 (17) UNITED STATES ACTING IN ITS TRUST CA-
15 PACITY.—The term “United States acting in its
16 trust capacity” means the United States acting for
17 the benefit of the Navajo Nation or for the benefit
18 of allottees.

19 **SEC. 81713. RATIFICATION OF AGREEMENT.**

20 (a) APPROVAL BY CONGRESS.—Except to the extent
21 that any provision of the agreement conflicts with this
22 subtitle, Congress approves, ratifies, and confirms the
23 agreement (including any amendments to the agreement
24 that are executed to make the agreement consistent with
25 this subtitle).

1 (b) EXECUTION BY SECRETARY.—The Secretary is
2 authorized and directed to promptly execute the agree-
3 ment to the extent that the agreement does not conflict
4 with this subtitle, including—

5 (1) any exhibits to the agreement requiring the
6 signature of the Secretary; and

7 (2) any amendments to the agreement nec-
8 essary to make the agreement consistent with this
9 subtitle.

10 (c) ENVIRONMENTAL COMPLIANCE.—

11 (1) IN GENERAL.—In implementing the agree-
12 ment and this subtitle, the Secretary shall comply
13 with all applicable provisions of—

14 (A) the Endangered Species Act of 1973
15 (16 U.S.C. 1531 et seq.);

16 (B) the National Environmental Policy Act
17 of 1969 (42 U.S.C. 4321 et seq.); and

18 (C) all other applicable environmental laws
19 and regulations.

20 (2) EXECUTION OF THE AGREEMENT.—Execu-
21 tion of the agreement by the Secretary as provided
22 for in this subtitle shall not constitute a major Fed-
23 eral action under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.).

1 **SEC. 81714. NAVAJO WATER RIGHTS.**

2 (a) CONFIRMATION OF NAVAJO WATER RIGHTS.—

3 (1) QUANTIFICATION.—The Navajo Nation
4 shall have the right to use water from water sources
5 located within Utah and adjacent to or encompassed
6 within the boundaries of the Reservation resulting in
7 depletions not to exceed 81,500 acre-feet annually as
8 described in the agreement and as confirmed in the
9 decree entered by the general stream adjudication
10 court.

11 (2) SATISFACTION OF ALLOTTEE RIGHTS.—De-
12pletions resulting from the use of water on an allot-
13ment shall be accounted for as a depletion by the
14 Navajo Nation for purposes of depletion accounting
15 under the agreement, including recognition of—

16 (A) any water use existing on an allotment
17 as of the date of enactment of this subtitle and
18 as subsequently reflected in the hydrographic
19 survey report referenced in section 81716(b);

20 (B) reasonable domestic and stock water
21 uses put into use on an allotment; and

22 (C) any allotment water rights that may be
23 decreed in the general stream adjudication or
24 other appropriate forum.

25 (3) SATISFACTION OF ON-RESERVATION STATE
26 LAW-BASED WATER RIGHTS.—Depletions resulting

1 from the use of water on the Reservation pursuant
2 to State law-based water rights existing as of the
3 date of enactment of this Act shall be accounted for
4 as depletions by the Navajo Nation for purposes of
5 depletion accounting under the agreement.

6 (4) IN GENERAL.—The Navajo water rights are
7 ratified, confirmed, and declared to be valid.

8 (5) USE.—Any use of the Navajo water rights
9 shall be subject to the terms and conditions of the
10 agreement and this subtitle.

11 (6) CONFLICT.—In the event of a conflict be-
12 tween the agreement and this subtitle, the provisions
13 of this subtitle shall control.

14 (b) TRUST STATUS OF NAVAJO WATER RIGHTS.—
15 The Navajo water rights—

16 (1) shall be held in trust by the United States
17 for the use and benefit of the Nation in accordance
18 with the agreement and this subtitle; and

19 (2) shall not be subject to forfeiture or aban-
20 donment.

21 (c) AUTHORITY OF THE NATION.—

22 (1) IN GENERAL.—The Nation shall have the
23 authority to allocate, distribute, and lease the Nav-
24 ajo water rights for any use on the Reservation in

1 accordance with the agreement, this subtitle, and ap-
2 plicable Tribal and Federal law.

3 (2) OFF-RESERVATION USE.—The Nation may
4 allocate, distribute, and lease the Navajo water
5 rights for off-Reservation use in accordance with the
6 agreement, subject to the approval of the Secretary.

7 (3) ALLOTTEE WATER RIGHTS.—The Nation
8 shall not object in the general stream adjudication
9 or other applicable forum to the quantification of
10 reasonable domestic and stock water uses on an al-
11 lotment, and shall administer any water use on the
12 Reservation in accordance with applicable Federal
13 law, including recognition of—

14 (A) any water use existing on an allotment
15 as of the date of enactment of this Act and as
16 subsequently reflected in the hydrographic sur-
17 vey report referenced in section 81716(b);

18 (B) reasonable domestic and stock water
19 uses on an allotment; and

20 (C) any allotment water rights decreed in
21 the general stream adjudication or other appro-
22 priate forum.

23 (d) EFFECT.—Except as otherwise expressly provided
24 in this section, nothing in this subtitle—

1 (1) authorizes any action by the Nation against
2 the United States under Federal, State, Tribal, or
3 local law; or

4 (2) alters or affects the status of any action
5 brought pursuant to section 1491(a) of title 28,
6 United States Code.

7 **SEC. 81715. NAVAJO TRUST ACCOUNTS.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 a trust fund, to be known as the “Navajo Utah Settlement
10 Trust Fund” (referred to in this subtitle as the “Trust
11 Fund”), to be managed, invested, and distributed by the
12 Secretary and to remain available until expended, con-
13 sisting of the amounts deposited in the Trust Fund under
14 subsection (c), together with any interest earned on those
15 amounts, for the purpose of carrying out this subtitle.

16 (b) ACCOUNTS.—The Secretary shall establish in the
17 Trust Fund the following Accounts:

18 (1) The Navajo Water Development Projects
19 Account.

20 (2) The Navajo OM&R Account.

21 (c) DEPOSITS.—The Secretary shall deposit in the
22 Trust Fund Accounts—

23 (1) in the Navajo Water Development Projects
24 Account, the amounts made available pursuant to
25 section 81716(a)(1); and

1 (2) in the Navajo OM&R Account, the amount
2 made available pursuant to section 81716(a)(2).

3 (d) MANAGEMENT AND INTEREST.—

4 (1) MANAGEMENT.—Upon receipt and deposit
5 of the funds into the Trust Fund Accounts, the Sec-
6 retary shall manage, invest, and distribute all
7 amounts in the Trust Fund in a manner that is con-
8 sistent with the investment authority of the Sec-
9 retary under—

10 (A) the first section of the Act of June 24,
11 1938 (25 U.S.C. 162a);

12 (B) the American Indian Trust Fund Man-
13 agement Reform Act of 1994 (25 U.S.C. 4001
14 et seq.); and

15 (C) this section.

16 (2) INVESTMENT EARNINGS.—In addition to
17 the deposits under subsection (c), any investment
18 earnings, including interest, credited to amounts
19 held in the Trust Fund are authorized to be appro-
20 priated to be used in accordance with the uses de-
21 scribed in subsection (h).

22 (e) AVAILABILITY OF AMOUNTS.—Amounts appro-
23 priated to, and deposited in, the Trust Fund, including
24 any investment earnings, shall be made available to the
25 Nation by the Secretary beginning on the enforceability

1 date and subject to the uses and restrictions set forth in
2 this section.

3 (f) WITHDRAWALS.—

4 (1) WITHDRAWALS UNDER THE AMERICAN IN-
5 DIAN TRUST FUND MANAGEMENT REFORM ACT OF
6 1994.—The Nation may withdraw any portion of the
7 funds in the Trust Fund on approval by the Sec-
8 retary of a tribal management plan submitted by the
9 Nation in accordance with the American Indian
10 Trust Fund Management Reform Act of 1994 (25
11 U.S.C. 4001 et seq.).

12 (A) REQUIREMENTS.—In addition to the
13 requirements under the American Indian Trust
14 Fund Management Reform Act of 1994 (25
15 U.S.C. 4001 et seq.), the Tribal management
16 plan under this paragraph shall require that the
17 Nation shall spend all amounts withdrawn from
18 the Trust Fund and any investment earnings
19 accrued through the investments under the
20 Tribal management plan in accordance with
21 this subtitle.

22 (B) ENFORCEMENT.—The Secretary may
23 carry out such judicial and administrative ac-
24 tions as the Secretary determines to be nec-
25 essary to enforce the Tribal management plan

1 to ensure that amounts withdrawn by the Na-
2 tion from the Trust Fund under this paragraph
3 are used in accordance with this subtitle.

4 (2) WITHDRAWALS UNDER EXPENDITURE
5 PLAN.—The Nation may submit to the Secretary a
6 request to withdraw funds from the Trust Fund pur-
7 suant to an approved expenditure plan.

8 (A) REQUIREMENTS.—To be eligible to
9 withdraw funds under an expenditure plan
10 under this paragraph, the Nation shall submit
11 to the Secretary for approval an expenditure
12 plan for any portion of the Trust Fund that the
13 Nation elects to withdraw pursuant to this
14 paragraph, subject to the condition that the
15 funds shall be used for the purposes described
16 in this subtitle.

17 (B) INCLUSIONS.—An expenditure plan
18 under this paragraph shall include a description
19 of the manner and purpose for which the
20 amounts proposed to be withdrawn from the
21 Trust Fund will be used by the Nation, in ac-
22 cordance with subsections (c) and (h).

23 (C) APPROVAL.—On receipt of an expendi-
24 ture plan under this paragraph, the Secretary

1 shall approve the plan, if the Secretary deter-
2 mines that the plan—

3 (i) is reasonable;

4 (ii) is consistent with, and will be used
5 for, the purposes of this subtitle; and

6 (iii) contains a schedule which de-
7 scribed that tasks will be completed within
8 18 months of receipt of withdrawn
9 amounts.

10 (D) ENFORCEMENT.—The Secretary may
11 carry out such judicial and administrative ac-
12 tions as the Secretary determines to be nec-
13 essary to enforce an expenditure plan to ensure
14 that amounts disbursed under this paragraph
15 are used in accordance with this subtitle.

16 (g) EFFECT OF ACT.—Nothing in this subtitle gives
17 the Nation the right to judicial review of a determination
18 of the Secretary regarding whether to approve a Tribal
19 management plan or an expenditure plan except under
20 subchapter II of chapter 5, and chapter 7, of title 5,
21 United States Code (commonly known as the “Administra-
22 tive Procedure Act”).

23 (h) USES.—Amounts from the Trust Fund shall be
24 used by the Nation for the following purposes:

1 (1) The Navajo Water Development Projects
2 Account shall be used to plan, design, and construct
3 the Navajo water development projects and for the
4 conduct of related activities, including to comply
5 with Federal environmental laws.

6 (2) The Navajo OM&R Account shall be used
7 for the operation, maintenance, and replacement of
8 the Navajo water development projects.

9 (i) LIABILITY.—The Secretary and the Secretary of
10 the Treasury shall not be liable for the expenditure or in-
11 vestment of any amounts withdrawn from the Trust Fund
12 by the Nation under subsection (f).

13 (j) NO PER CAPITA DISTRIBUTIONS.—No portion of
14 the Trust Fund shall be distributed on a per capita basis
15 to any member of the Nation.

16 (k) EXPENDITURE REPORTS.—The Navajo Nation
17 shall submit to the Secretary annually an expenditure re-
18 port describing accomplishments and amounts spent from
19 use of withdrawals under a Tribal management plan or
20 an expenditure plan as described in this subtitle.

21 **SEC. 81716. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) AUTHORIZATION.—There are authorized to be ap-
23 propriated to the Secretary—

24 (1) for deposit in the Navajo Water Develop-
25 ment Projects Account of the Trust Fund estab-

1 lished under section 81715(b)(1), \$198,300,000,
2 which funds shall be retained until expended, with-
3 drawn, or reverted to the general fund of the Treas-
4 ury; and

5 (2) for deposit in the Navajo OM&R Account of
6 the Trust Fund established under section
7 81715(b)(2), \$11,100,000, which funds shall be re-
8 tained until expended, withdrawn, or reverted to the
9 general fund of the Treasury.

10 (b) IMPLEMENTATION COSTS.—There is authorized
11 to be appropriated non-trust funds in the amount of
12 \$1,000,000 to assist the United States with costs associ-
13 ated with the implementation of the subtitle, including the
14 preparation of a hydrographic survey of historic and exist-
15 ing water uses on the Reservation and on allotments.

16 (c) STATE COST SHARE.—The State shall contribute
17 \$8,000,000 payable to the Secretary for deposit into the
18 Navajo Water Development Projects Account of the Trust
19 Fund established under section 81715(b)(1) in install-
20 ments in each of the 3 years following the execution of
21 the agreement by the Secretary as provided for in sub-
22 section (b) of section 81713.

23 (d) FLUCTUATION IN COSTS.—The amount author-
24 ized to be appropriated under subsection (a) shall be in-
25 creased or decreased, as appropriate, by such amounts as

1 may be justified by reason of ordinary fluctuations in costs
2 occurring after the date of enactment of this Act as indi-
3 cated by the Bureau of Reclamation Construction Cost
4 Index—Composite Trend.

5 (1) REPETITION.—The adjustment process
6 under this subsection shall be repeated for each sub-
7 sequent amount appropriated until the amount au-
8 thorized, as adjusted, has been appropriated.

9 (2) PERIOD OF INDEXING.—The period of in-
10 dexing adjustment for any increment of funding
11 shall end on the date on which funds are deposited
12 into the Trust Fund.

13 **SEC. 81717. CONDITIONS PRECEDENT.**

14 (a) IN GENERAL.—The waivers and release contained
15 in section 81718 of this subtitle shall become effective as
16 of the date the Secretary causes to be published in the
17 Federal Register a statement of findings that—

18 (1) to the extent that the agreement conflicts
19 with the Act, the agreement has been revised to con-
20 form with this subtitle;

21 (2) the agreement, so revised, including waivers
22 and releases of claims set forth in section 81718,
23 has been executed by the parties, including the
24 United States;

1 (3) Congress has fully appropriated, or the Sec-
2 retary has provided from other authorized sources,
3 all funds authorized under subsection (a) of section
4 81716;

5 (4) the State has enacted any necessary legisla-
6 tion and provided the funding required under the
7 agreement and subsection (c) of section 81716; and

8 (5) the court has entered a final or interlocu-
9 tory decree that—

10 (A) confirms the Navajo water rights con-
11 sistent with the agreement and this subtitle;
12 and

13 (B) with respect to the Navajo water
14 rights, is final and nonappealable.

15 (b) EXPIRATION DATE.—If all the conditions prece-
16 dent described in subsection (a) have not been fulfilled to
17 allow the Secretary's statement of findings to be published
18 in the Federal Register by October 31, 2030—

19 (1) the agreement and this subtitle, including
20 waivers and releases of claims described in those
21 documents, shall no longer be effective;

22 (2) any funds that have been appropriated pur-
23 suant to section 81716 but not expended, including
24 any investment earnings on funds that have been ap-
25 propriated pursuant to such section, shall imme-

1 diately revert to the general fund of the Treasury;
2 and

3 (3) any funds contributed by the State pursu-
4 ant to subsection (c) of section 81716 but not ex-
5 pended shall be returned immediately to the State.

6 (c) EXTENSION.—The expiration date set forth in
7 subsection (b) may be extended if the Navajo Nation, the
8 State, and the United States (acting through the Sec-
9 retary) agree that an extension is reasonably necessary.

10 **SEC. 81718. WAIVERS AND RELEASES.**

11 (a) IN GENERAL.—

12 (1) WAIVER AND RELEASE OF CLAIMS BY THE
13 NATION AND THE UNITED STATES ACTING IN ITS
14 CAPACITY AS TRUSTEE FOR THE NATION.—Subject
15 to the retention of rights set forth in subsection (c),
16 in return for confirmation of the Navajo water
17 rights and other benefits set forth in the agreement
18 and this subtitle, the Nation, on behalf of itself and
19 the members of the Nation (other than members in
20 their capacity as allottees), and the United States,
21 acting as trustee for the Nation and members of the
22 Nation (other than members in their capacity as
23 allottees), are authorized and directed to execute a
24 waiver and release of—

1 (A) all claims for water rights within Utah
2 based on any and all legal theories that the
3 Navajo Nation or the United States acting in
4 its trust capacity for the Nation, asserted, or
5 could have asserted, at any time in any pro-
6 ceeding, including to the general stream adju-
7 dication, up to and including the enforceability
8 date, except to the extent that such rights are
9 recognized in the agreement and this subtitle;
10 and

11 (B) all claims for damages, losses, or inju-
12 ries to water rights or claims of interference
13 with, diversion, or taking of water rights (in-
14 cluding claims for injury to lands resulting from
15 such damages, losses, injuries, interference
16 with, diversion, or taking of water rights) with-
17 in Utah against the State, or any person, enti-
18 ty, corporation, or municipality, that accrued at
19 any time up to and including the enforceability
20 date.

21 (b) CLAIMS BY THE NAVAJO NATION AGAINST THE
22 UNITED STATES.—The Navajo Nation, on behalf of itself
23 (including in its capacity as allottee) and its members
24 (other than members in their capacity as allottees), shall
25 execute a waiver and release of—

1 (1) all claims the Navajo Nation may have
2 against the United States relating in any manner to
3 claims for water rights in, or water of, Utah that the
4 United States acting in its trust capacity for the Na-
5 tion asserted, or could have asserted, in any pro-
6 ceeding, including the general stream adjudication;

7 (2) all claims the Navajo Nation may have
8 against the United States relating in any manner to
9 damages, losses, or injuries to water, water rights,
10 land, or other resources due to loss of water or
11 water rights (including damages, losses, or injuries
12 to hunting, fishing, gathering, or cultural rights due
13 to loss of water or water rights; claims relating to
14 interference with, diversion, or taking of water; or
15 claims relating to failure to protect, acquire, replace,
16 or develop water or water rights) within Utah that
17 first accrued at any time up to and including the en-
18 forceability date;

19 (3) all claims the Nation may have against the
20 United States relating in any manner to the litiga-
21 tion of claims relating to the Nation's water rights
22 in proceedings in Utah; and

23 (4) all claims the Nation may have against the
24 United States relating in any manner to the negotia-

1 tion, execution, or adoption of the agreement or this
2 subtitle.

3 (c) RESERVATION OF RIGHTS AND RETENTION OF
4 CLAIMS BY THE NAVAJO NATION AND THE UNITED
5 STATES.—Notwithstanding the waivers and releases au-
6 thorized in this subtitle, the Navajo Nation, and the
7 United States acting in its trust capacity for the Nation,
8 retain—

9 (1) all claims for injuries to and the enforce-
10 ment of the agreement and the final or interlocutory
11 decree entered in the general stream adjudication,
12 through such legal and equitable remedies as may be
13 available in the decree court or the Federal District
14 Court for the District of Utah;

15 (2) all rights to use and protect water rights ac-
16 quired after the enforceability date;

17 (3) all claims relating to activities affecting the
18 quality of water, including any claims under the
19 Comprehensive Environmental Response, Compensa-
20 tion, and Liability Act of 1980 (42 U.S.C. 9601 et
21 seq. (including claims for damages to natural re-
22 sources)), the Safe Drinking Water Act (42 U.S.C.
23 300f et seq.), and the Federal Water Pollution Con-
24 trol Act (33 U.S.C. 1251 et seq.), the regulations
25 implementing those Acts, and the common law;

1 (4) all claims for water rights, and claims for
2 injury to water rights, in states other than the State
3 of Utah;

4 (5) all claims, including environmental claims,
5 under any laws (including regulations and common
6 law) relating to human health, safety, or the envi-
7 ronment; and

8 (6) all rights, remedies, privileges, immunities,
9 and powers not specifically waived and released pur-
10 suant to the agreement and this subtitle.

11 (d) EFFECT.—Nothing in the agreement or this sub-
12 title—

13 (1) affects the ability of the United States act-
14 ing in its sovereign capacity to take actions author-
15 ized by law, including any laws relating to health,
16 safety, or the environment, including the Com-
17 prehensive Environmental Response, Compensation,
18 and Liability Act of 1980 (42 U.S.C. 9601 et seq.),
19 the Safe Drinking Water Act (42 U.S.C. 300f et
20 seq.), the Federal Water Pollution Control Act (33
21 U.S.C. 1251 et seq.), the Solid Waste Disposal Act
22 (42 U.S.C. 6901 et seq.), and the regulations imple-
23 menting those laws;

1 (2) affects the ability of the United States to
2 take actions in its capacity as trustee for any other
3 Indian Tribe or allottee;

4 (3) confers jurisdiction on any State court to—

5 (A) interpret Federal law regarding health,
6 safety, or the environment or determine the du-
7 ties of the United States or other parties pursu-
8 ant to such Federal law; and

9 (B) conduct judicial review of Federal
10 agency action; or

11 (4) modifies, conflicts with, preempts, or other-
12 wise affects—

13 (A) the Boulder Canyon Project Act (43
14 U.S.C. 617 et seq.);

15 (B) the Boulder Canyon Project Adjust-
16 ment Act (43 U.S.C. 618 et seq.);

17 (C) the Act of April 11, 1956 (commonly
18 known as the “Colorado River Storage Project
19 Act”) (43 U.S.C. 620 et seq.);

20 (D) the Colorado River Basin Project Act
21 (43 U.S.C. 1501 et seq.);

22 (E) the Treaty between the United States
23 of America and Mexico respecting utilization of
24 waters of the Colorado and Tijuana Rivers and

1 of the Rio Grande, signed at Washington Feb-
2 ruary 3, 1944 (59 Stat. 1219);

3 (F) the Colorado River Compact of 1922,
4 as approved by the Presidential Proclamation of
5 June 25, 1929 (46 Stat. 3000); and

6 (G) the Upper Colorado River Basin Com-
7 pact as consented to by the Act of April 6,
8 1949 (63 Stat. 31, chapter 48).

9 (e) TOLLING OF CLAIMS.—

10 (1) IN GENERAL.—Each applicable period of
11 limitation and time-based equitable defense relating
12 to a claim waived by the Navajo Nation described in
13 this section shall be tolled for the period beginning
14 on the date of enactment of this Act and ending on
15 the enforceability date.

16 (2) EFFECT OF SUBSECTION.—Nothing in this
17 subsection revives any claim or tolls any period of
18 limitation or time-based equitable defense that ex-
19 pired before the date of enactment of this Act.

20 (3) LIMITATION.—Nothing in this section pre-
21 cludes the tolling of any period of limitations or any
22 time-based equitable defense under any other appli-
23 cable law.

1 **SEC. 81719. MISCELLANEOUS PROVISIONS.**

2 (a) PRECEDENT.—Nothing in this subtitle establishes
3 any standard for the quantification or litigation of Federal
4 reserved water rights or any other Indian water claims of
5 any other Indian Tribe in any other judicial or administra-
6 tive proceeding.

7 (b) OTHER INDIAN TRIBES.—Nothing in the agree-
8 ment or this subtitle shall be construed in any way to
9 quantify or otherwise adversely affect the water rights,
10 claims, or entitlements to water of any Indian Tribe, band,
11 or community, other than the Navajo Nation.

12 **SEC. 81720. RELATION TO ALLOTTEES.**

13 (a) NO EFFECT ON CLAIMS OF ALLOTTEES.—Noth-
14 ing in this subtitle or the agreement shall affect the rights
15 or claims of allottees, or the United States, acting in its
16 capacity as trustee for or on behalf of allottees, for water
17 rights or damages related to lands allotted by the United
18 States to allottees, except as provided in section
19 81714(a)(2).

20 (b) RELATIONSHIP OF DECREE TO ALLOTTEES.—
21 Allottees, or the United States, acting in its capacity as
22 trustee for allottees, are not bound by any decree entered
23 in the general stream adjudication confirming the Navajo
24 water rights and shall not be precluded from making
25 claims to water rights in the general stream adjudication.
26 Allottees, or the United States, acting in its capacity as

1 trustee for allottees, may make claims and such claims
2 may be adjudicated as individual water rights in the gen-
3 eral stream adjudication.

4 **SEC. 81721. ANTIDEFICIENCY.**

5 The United States shall not be liable for any failure
6 to carry out any obligation or activity authorized by this
7 subtitle (including any obligation or activity under the
8 agreement) if adequate appropriations are not provided
9 expressly by Congress to carry out the purposes of this
10 subtitle.

11 **TITLE II—NATIONAL PARKS,**
12 **FORESTS, AND PUBLIC LANDS**
13 **Subtitle A—Public Lands**
14 **Telecommunications**

15 **SEC. 82101. DEFINITIONS.**

16 In this Act:

17 (1) **COMMUNICATIONS SITE.**—The term “com-
18 munications site” means an area of Federal lands
19 designated for telecommunications uses.

20 (2) **COMMUNICATIONS USE.**—The term “com-
21 munications use” means the placement and oper-
22 ation of infrastructure for wireline or wireless tele-
23 communications, including cable television, tele-
24 vision, and radio communications, regardless of
25 whether such placement and operation is pursuant

1 to a license issued by the Federal Communications
2 Commission or on an unlicensed basis in accordance
3 with the regulations of the Commission. The term
4 includes ancillary activities, uses, or facilities directly
5 related to such placement and operation.

6 (3) COMMUNICATIONS USE AUTHORIZATION.—
7 The term “communications use authorization”
8 means a right-of-way, permit, or lease granted,
9 issued, or executed by a Federal land management
10 agency for the primary purpose of authorizing the
11 occupancy and use of Federal lands for communica-
12 tions use.

13 (4) FEDERAL LAND MANAGEMENT AGENCY.—
14 The term “Federal land management agency”
15 means the National Park Service, the United States
16 Fish and Wildlife Service, the Bureau of Land Man-
17 agement, and the Bureau of Reclamation.

18 (5) FEDERAL LANDS.—The term “Federal
19 lands” means lands under the jurisdiction and man-
20 agement of a Federal land management agency.

21 (6) RENTAL FEE.—The term “rental fee”
22 means the fee collected by a Federal land manage-
23 ment agency for the occupancy and use authorized
24 by a communications use authorization pursuant to
25 and consistent with authorizing law.

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1 **SEC. 82102. COLLECTION AND RETENTION OF RENTAL FEES**
2 **ASSOCIATED WITH COMMUNICATIONS USE**
3 **AUTHORIZATIONS ON FEDERAL LANDS AND**
4 **FEDERAL LAND MANAGEMENT AGENCY SUP-**
5 **PORT FOR COMMUNICATION SITE PRO-**
6 **GRAMS.**

7 (a) SPECIAL ACCOUNT REQUIRED.—The Secretary of
8 the Treasury shall establish a special account in the
9 Treasury for each Federal land management agency for
10 the deposit of rental fees received by the Federal land
11 management agency for communications use authoriza-
12 tions on Federal lands granted, issued, or executed by the
13 Federal land management agency.

14 (b) COMPETITIVELY NEUTRAL.—Notwithstanding
15 any other provision of law, any rental fees collected pursu-
16 ant to this Act shall be competitively neutral, technology
17 neutral, and nondiscriminatory with respect to other uses
18 of the communication site.

19 (c) RENTAL FEES.—

20 (1) LIMITATION ON AMOUNT OF RENTAL
21 FEES.—Rental fees shall not exceed the fee sched-
22 ules published by the Secretary of the Interior for
23 communication use rights-of-way.

24 (2) REVISION OF RENTAL FEE SCHEDULES FOR
25 COMMUNICATION SITES RIGHTS OF WAY.—Not later
26 than 1 year after the date of the enactment of this

1 Act, through a public process that includes consider-
2 ation of industry comments, the Secretary of the In-
3 terior shall revise the communication sites rights-of-
4 way rental fee schedule to reflect current commu-
5 nication technologies, including the physical foot-
6 print of such technologies.

7 (d) DEPOSIT AND RETENTION OF RENTAL FEES.—
8 Rental fees received by a Federal land management agen-
9 cy shall—

10 (1) be deposited in the special account estab-
11 lished for that Federal land management agency;
12 and

13 (2) remain available for expenditure under sub-
14 section (e), to the extent and in such amounts as are
15 provided in advance in appropriation Acts.

16 (e) EXPENDITURE OF RETAINED FEES.—Amounts
17 deposited in the special account for a Federal land man-
18 agement agency shall be used solely for Federal land man-
19 agement agency activities related to communications sites,
20 including the following:

21 (1) Administering communications use author-
22 izations, including cooperative agreements under sec-
23 tion 4.

24 (2) Preparing needs assessments or other pro-
25 grammatic analyses necessary to establish commu-

1 “(6) COOPERATIVE AGREEMENT AUTHORITY.—
2 The Secretary may enter into cooperative agree-
3 ments to carry out the activities described in sub-
4 paragraphs (A) through (D) of paragraph (4).”.

5 **Subtitle B—Outdoors for All**

6 **SEC. 82201. DEFINITIONS.**

7 In this Act:

8 (1) ELIGIBLE ENTITY.—

9 (A) IN GENERAL.—The term “eligible enti-
10 ty” means—

11 (i) a State;

12 (ii) a political subdivision of a State,
13 including—

14 (I) a city; and

15 (II) a county;

16 (iii) a special purpose district, includ-
17 ing park districts; and

18 (iv) an Indian tribe (as defined in sec-
19 tion 4 of the Indian Self-Determination
20 and Education Assistance Act (25 U.S.C.
21 5304)).

22 (B) POLITICAL SUBDIVISIONS AND INDIAN
23 TRIBES.—A political subdivision of a State or
24 an Indian tribe shall be considered an eligible
25 entity only if the political subdivision or Indian

1 tribe represents or otherwise serves a qualifying
2 urban area.

3 (2) OUTDOOR RECREATION LEGACY PARTNER-
4 SHIP GRANT PROGRAM.—The term “Outdoor Recre-
5 ation Legacy Partnership Grant Program” means
6 the program established under section 3(a).

7 (3) QUALIFYING URBAN AREA.—The term
8 “qualifying urban area” means an area identified by
9 the Census Bureau as an “urban area” in the most
10 recent census.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 82202. GRANTS AUTHORIZED.**

14 (a) IN GENERAL.—The Secretary shall establish an
15 outdoor recreation legacy partnership grant program
16 under which the Secretary may award grants to eligible
17 entities for projects—

18 (1) to acquire land and water for parks and
19 other outdoor recreation purposes; and

20 (2) to develop new or renovate existing outdoor
21 recreation facilities.

22 (b) MATCHING REQUIREMENT.—

23 (1) IN GENERAL.—As a condition of receiving a
24 grant under subsection (a), an eligible entity shall
25 provide matching funds in the form of cash or an in-

1 kind contribution in an amount equal to not less
2 than 100 percent of the amounts made available
3 under the grant.

4 (2) SOURCES.—The matching amounts referred
5 to in paragraph (1) may include amounts made
6 available from State, local, nongovernmental, or pri-
7 vate sources.

8 (3) WAIVER.—The Secretary may waive all or
9 part of the matching requirement under paragraph
10 (1) if the Secretary determines that—

11 (A) no reasonable means are available
12 through which an applicant can meet the
13 matching requirement; and

14 (B) the probable benefit of such project
15 outweighs the public interest in such matching
16 requirement.

17 **SEC. 82203. ELIGIBLE USES.**

18 (a) IN GENERAL.—A grant recipient may use a grant
19 awarded under this Act—

20 (1) to acquire land or water that provides out-
21 door recreation opportunities to the public; and

22 (2) to develop or renovate outdoor recreational
23 facilities that provide outdoor recreation opportuni-
24 ties to the public, with priority given to projects
25 that—

1 (A) create or significantly enhance access
2 to park and recreational opportunities in an
3 urban neighborhood or community;

4 (B) engage and empower underserved com-
5 munities and youth;

6 (C) provide opportunities for youth em-
7 ployment or job training;

8 (D) establish or expand public-private
9 partnerships, with a focus on leveraging re-
10 sources; and

11 (E) take advantage of coordination among
12 various levels of government.

13 (b) LIMITATIONS ON USE.—A grant recipient may
14 not use grant funds for—

15 (1) grant administration costs;

16 (2) incidental costs related to land acquisition,
17 including appraisal and titling;

18 (3) operation and maintenance activities;

19 (4) facilities that support semiprofessional or
20 professional athletics;

21 (5) indoor facilities such as recreation centers
22 or facilities that support primarily non-outdoor pur-
23 poses; or

24 (6) acquisition of land or interests in land that
25 restrict access to specific persons.

1 **SEC. 82204. NATIONAL PARK SERVICE REQUIREMENTS.**

2 In carrying out the Outdoor Recreation Legacy Part-
3 nership Grant Program, the Secretary shall—

4 (1) conduct an initial screening and technical
5 review of applications received; and

6 (2) evaluate and score all qualifying applica-
7 tions.

8 **SEC. 82205. REPORTING.**

9 (a) ANNUAL REPORTS.—Not later than 30 days after
10 the last day of each report period, each State lead agency
11 that receives a grant under this Act shall annually submit
12 to the Secretary performance and financial reports that—

13 (1) summarize project activities conducted dur-
14 ing the report period; and

15 (2) provide the status of the project.

16 (b) FINAL REPORTS.—Not later than 90 days after
17 the earlier of the date of expiration of a project period
18 or the completion of a project, each State lead agency that
19 receives a grant under this Act shall submit to the Sec-
20 retary a final report containing such information as the
21 Secretary may require.

22 **SEC. 82206. REVENUE SHARING.**

23 Section 105(a)(2)(B) of the Gulf of Mexico Energy
24 Security Act of 2006 (43 U.S.C. 1331 note; Public Law
25 109–432) is amended by inserting before the period at the
26 end “, of which 20 percent for each of fiscal years 2020

1 through 2058 shall be used by the Secretary of the Inte-
2 rior to provide grants under the Outdoor Recreation Leg-
3 acy Partnership Grant Program Act”.

4 **Subtitle C—Updated Borrowing** 5 **Authority**

6 **SEC. 82301. PRESIDIO TRUST BORROWING AUTHORITY.**

7 Section 104(d)(2) of Public Law 104–333 is amended
8 by striking the first sentence and inserting the following:
9 “The Trust shall also have the authority to issue obliga-
10 tions to the Secretary of the Treasury and the Secretary
11 of the Treasury shall purchase such obligations.”.

12 **Subtitle D—Forest Service Legacy** 13 **Roads and Trails Remediation** 14 **Program**

15 **SEC. 82401. FOREST SERVICE LEGACY ROADS AND TRAILS** 16 **REMEDICATION PROGRAM.**

17 (a) IN GENERAL.—The Secretary of Agriculture shall
18 establish and maintain a Forest Service Legacy Roads and
19 Trails Remediation Program (referred to in this section
20 as the “Program”) within the National Forest System—

21 (1) to carry out critical maintenance and urgent
22 repairs and improvements on National Forest Sys-
23 tem roads, trails, and bridges;

1 (2) to restore fish and other aquatic organism
2 passage by removing or replacing unnatural barriers
3 to the passage of fish and other aquatic organisms;

4 (3) to decommission unneeded roads and trails;
5 and

6 (4) to carry out associated activities.

7 (b) PRIORITY.—In implementing the Program, the
8 Secretary shall give priority to projects that protect or re-
9 store—

10 (1) water quality;

11 (2) watersheds that feed public drinking water
12 systems; or

13 (3) habitat for threatened, endangered, and
14 sensitive fish and wildlife species.

15 (c) NATIONAL FOREST SYSTEM.—Except as author-
16 ized under section 323 of title III of the Department of
17 the Interior and Related Agencies Appropriations Act,
18 1999 (16 U.S.C. 1011a), all projects carried out under
19 the Program shall be on National Forest System roads.

20 (d) NATIONAL PROGRAM STRATEGY.—Not later than
21 180 days after the date of enactment of this Act, the Chief
22 of the Forest Service shall develop a national strategy for
23 implementing the Program.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Secretary to carry

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1 out this section \$50,000,000 for each of fiscal years 2021
2 through 2025, to remain available until expended.

3 **TITLE III—OCEANS AND**
4 **WILDLIFE**
5 **Subtitle A—Coastal and Great**
6 **Lakes Resiliency and Restoration**

7 **SEC. 83101. SHOVEL-READY RESTORATION AND RESIL-**
8 **IENCY GRANT PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary shall establish
10 a grant program to provide funding and technical assist-
11 ance to eligible entities for purposes of carrying out a
12 project described in subsection (d).

13 (b) PROJECT PROPOSAL.—To be considered for a
14 grant under this section, an eligible entity shall submit
15 a grant proposal to the Secretary in a time, place, and
16 manner determined by the Secretary. Such proposal shall
17 include monitoring, data collection, and measurable per-
18 formance criteria with respect to the project.

19 (c) DEVELOPMENT OF CRITERIA.—The Secretary
20 shall select eligible entities to receive grants under this
21 section based on criteria developed by the Secretary, in
22 consultation with relevant offices of the National Oceanic
23 and Atmospheric Administration, such as the Office of
24 Habitat Conservation and the Office for Coastal Manage-
25 ment.

1 (d) ELIGIBLE PROJECTS.—A project is described in
2 this section if—

3 (1) the purpose of the project is to restore a
4 marine, estuarine, coastal, or Great Lake habitat,
5 including—

6 (A) restoration of habitat to protect or re-
7 cover a species that is threatened, endangered,
8 or a species of concern under the Endangered
9 Species Act of 1973 (16 U.S.C. 1531 et seq.);

10 (B) through the removal or remediation of
11 marine debris, including derelict vessels and
12 fishing gear, in coastal and marine habitats;
13 and

14 (C) for the benefit of—

15 (i) shellfish;

16 (ii) fish, including diadromous fish; or

17 (iii) coral reefs;

18 (2) the project provides adaptation to climate
19 change, including—

20 (A) by constructing or protecting ecological
21 features or green infrastructure that protects
22 coastal communities from sea level rise, coastal
23 storms, or flooding; and

24 (B) blue carbon projects; or

1 (3) the project is a federally authorized water
2 resources development project, an authorized pur-
3 pose or component of which is described in para-
4 graph (1) or (2).

5 (e) PRIORITY.—In determining which projects to
6 fund under this section, the Secretary shall give priority
7 to a proposed project—

8 (1) that would stimulate the economy;

9 (2) for which the applicant can demonstrate
10 that the grant will fund work that will begin not
11 more than 90 days after the date of the award;

12 (3) for which the applicant can demonstrate
13 that the grant will fund work that will employ fish-
14 ermen who have been negatively impacted by the
15 COVID–19 pandemic or pay a fisherman for the use
16 of a fishing vessel;

17 (4) for which the applicant can demonstrate
18 that any preliminary study or permit required before
19 the project can begin has been completed or can be
20 completed shortly after an award is made; and

21 (5) that includes communities that may not
22 have adequate resources, including low-income com-
23 munities, communities of color, Tribal communities,
24 and rural communities.

1 (f) WATER RESOURCES DEVELOPMENT PROJECTS.—

2 With respect to a project described in subsection (d)(3)
3 for which an eligible entity receives funds under this sec-
4 tion—

5 (1) such funds may be used only to carry out
6 the purpose or component of the water resources de-
7 velopment project described in paragraph (1) or (2)
8 of subsection (d);

9 (2) receipt of such funds shall have no effect on
10 the required percentages of the Federal and non-
11 Federal shares of the cost of the water resources de-
12 velopment project; and

13 (3) such funds shall be considered part of the
14 Federal share of the cost of the water resources de-
15 velopment project.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated \$3,000,000,000 for fiscal
18 year 2020 to the Secretary of Commerce to carry out this
19 section, to remain available until expended.

20 (h) DEFINITIONS.—In this section:

21 (1) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means a nonprofit, a for-profit business, an in-
23 stitution of higher education (as such term is de-
24 fined in section 101(a) of the Higher Education Act
25 of 1965 (20 U.S.C. 1001(a))), a State, local, Tribal,

1 or territorial government, or, with respect to a
2 project described in subsection (d)(3), the non-Fed-
3 eral interest for the water resources development
4 project.

5 (2) FISHERMAN.—The term “fisherman”
6 means a commercial or for-hire fisherman or an oys-
7 ter farmer.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of Commerce, acting through the Ad-
10 ministrator of the National Oceanic and Atmos-
11 pheric Administration.

12 **SEC. 83102. LIVING SHORELINE GRANT PROGRAM.**

13 (a) ESTABLISHMENT.—The Administrator shall
14 make grants to eligible entities for purposes of—

15 (1) designing and implementing large- and
16 small-scale, climate-resilient living shoreline projects;
17 and

18 (2) applying innovative uses of natural mate-
19 rials and systems to protect coastal communities,
20 habitats, and natural system functions.

21 (b) PROJECT PROPOSALS.—To be eligible to receive
22 a grant under this section, an eligible entity shall—

23 (1) submit to the Administrator a proposal for
24 a living shoreline project, including monitoring, data

1 collection, and measurable performance criteria with
2 respect to the project;

3 (2) demonstrate to the Administrator that the
4 entity has any permits or other authorizations from
5 local, State, and Federal government agencies nec-
6 essary to carry out the living shoreline project or
7 provide evidence demonstrating general support from
8 such agencies; and

9 (3) include an outreach or education component
10 that seeks and solicits feedback from the local or re-
11 gional community most directly affected by the pro-
12 posal.

13 (c) PROJECT SELECTION.—

14 (1) DEVELOPMENT OF CRITERIA.—The Admin-
15 istrator shall select eligible entities to receive grants
16 under this section based on criteria developed by the
17 Administrator, in consultation with relevant offices
18 of the National Oceanic and Atmospheric Adminis-
19 tration, such as the Office of Habitat Conservation,
20 the Office for Coastal Management, and the Res-
21 toration Center.

22 (2) CONSIDERATIONS.—In developing criteria
23 under paragraph (1) to evaluate a proposed living
24 shoreline project, the Administrator shall take into
25 account—

1 (A) the potential of the project to protect
2 the community and maintain the viability of the
3 environment, such as through protection of eco-
4 system functions, environmental benefits, or
5 habitat types, in the area where the project is
6 to be carried out;

7 (B) the historic and future environmental
8 conditions of the project site, particularly those
9 environmental conditions affected by climate
10 change;

11 (C) the ecological benefits of the project;

12 (D) the ability of the entity proposing the
13 project to demonstrate the potential of the
14 project to protect the coastal community where
15 the project is to be carried out, including
16 through—

17 (i) mitigating the effects of erosion;

18 (ii) attenuating the impact of coastal
19 storms and storm surge;

20 (iii) mitigating shoreline flooding;

21 (iv) mitigating the effects of sea level
22 rise, accelerated land loss, and extreme
23 tides;

1 (v) sustaining, protecting, or restoring
2 the functions and habitats of coastal eco-
3 systems; or

4 (vi) such other forms of coastal pro-
5 tection as the Administrator considers ap-
6 propriate; and

7 (E) the potential of the project to support
8 resiliency at a military installation or commu-
9 nity infrastructure supportive of a military in-
10 stallation (as such terms are defined in section
11 2391 of title 10, United States Code).

12 (3) PRIORITY.—In selecting living shoreline
13 projects to receive grants under this section, the Ad-
14 ministrator shall give priority consideration to a pro-
15 posed project to be conducted in an area—

16 (A) for which the President has declared,
17 during the 10-year period preceding the submis-
18 sion of the proposal for the project under sub-
19 section (b), that a major disaster exists pursu-
20 ant to section 401 of the Robert T. Stafford
21 Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5170) because of a hurricane, tropi-
23 cal storm, coastal storm, or flooding;

1 (B) that has a documented history of
2 coastal erosion or frequent coastal inundation
3 during that 10-year period; or

4 (C) which include communities that may
5 not have adequate resources to prepare for or
6 respond to coastal hazards, including low in-
7 come communities, communities of color, Tribal
8 communities, and rural communities.

9 (4) MINIMUM STANDARDS.—

10 (A) IN GENERAL.—The Administrator
11 shall develop minimum standards to be used in
12 selecting eligible entities to receive grants under
13 this section, taking into account—

14 (i) the considerations described in
15 paragraph (2);

16 (ii) the need for such standards to be
17 general enough to accommodate concerns
18 relating to specific project sites; and

19 (iii) the consideration of an estab-
20 lished eligible entity program with systems
21 to disburse funding from a single grant to
22 support multiple small-scale projects.

23 (B) CONSULTATIONS.—In developing
24 standards under subparagraph (A), the Admin-
25 istrator—

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1 (i) shall consult with relevant offices
2 of the National Oceanic and Atmospheric
3 Administration, such as the Office of Habi-
4 tat Conservation, the Office for Coastal
5 Management, and the Restoration Center;
6 and

7 (ii) may consult with—

8 (I) relevant interagency councils,
9 such as the Estuary Habitat Restora-
10 tion Council;

11 (II) Tribes and Tribal organiza-
12 tions;

13 (III) State coastal management
14 agencies; and

15 (IV) relevant nongovernmental
16 organizations.

17 (d) USE OF FUNDS.—A grant awarded under this
18 section to an eligible entity to carry out a living shoreline
19 project may be used by the eligible entity only—

20 (1) to carry out the project, including adminis-
21 tration, design, permitting, entry into negotiated in-
22 direct cost rate agreements, and construction;

23 (2) to monitor, collect, and report data on the
24 performance (including performance over time) of

1 the project, in accordance with standards issued by
2 the Administrator under subsection (f)(2); and

3 (3) to incentivize landowners to engage in living
4 shoreline projects.

5 (e) COST-SHARING.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), an eligible entity that receives a grant
8 under this section to carry out a living shoreline
9 project shall provide, from non-Federal sources,
10 funds or other resources (such as land or conserva-
11 tion easements or in-kind matching from private en-
12 tities) valued at not less than 50 percent of the total
13 cost, including administrative costs, of the project.

14 (2) REDUCED MATCHING REQUIREMENT FOR
15 CERTAIN COMMUNITIES.—The Administrator may
16 reduce or waive the matching requirement under
17 paragraph (1) for an eligible entity representing a
18 community or nonprofit organization if—

19 (A) the eligible entity submits to the Ad-
20 ministrator in writing—

21 (i) a request for such a reduction and
22 the amount of the reduction; and

23 (ii) a justification for why the entity
24 cannot meet the matching requirement;

25 and

1 (B) the Administrator agrees with the jus-
2 tification.

3 (f) MONITORING AND REPORTING.—

4 (1) IN GENERAL.—The Administrator shall re-
5 quire each eligible entity receiving a grant under this
6 section (or a representative of the entity) to carry
7 out a living shoreline project—

8 (A) to transmit to the Administrator data
9 collected under the project;

10 (B) to monitor the project and to collect
11 data on—

12 (i) the ecological benefits of the
13 project and the protection provided by the
14 project for the coastal community where
15 the project is carried out, including
16 through—

17 (I) mitigating the effects of ero-
18 sion;

19 (II) attenuating the impact of
20 coastal storms and storm surge;

21 (III) mitigating shoreline flood-
22 ing;

23 (IV) mitigating the effects of sea
24 level rise, accelerated land loss, and
25 extreme tides;

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1 (V) sustaining, protecting, or re-
2 storing the functions and habitats of
3 coastal ecosystems; or

4 (VI) such other forms of coastal
5 protection as the Administrator con-
6 siders appropriate; and

7 (ii) the performance of the project in
8 providing such protection;

9 (C) to make data collected under the
10 project available on a publicly accessible inter-
11 net website of the National Oceanic and Atmos-
12 pheric Administration; and

13 (D) not later than 1 year after the entity
14 receives the grant, and annually thereafter until
15 the completion of the project, to submit to the
16 Administrator a report on—

17 (i) the measures described in subpara-
18 graph (B); and

19 (ii) the effectiveness of the project in
20 increasing protection of the coastal com-
21 munity where the project is carried out
22 through living shorelines techniques, in-
23 cluding—

24 (I) a description of—

25 (aa) the project;

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1 (bb) the activities carried
2 out under the project; and

3 (cc) the techniques and ma-
4 terials used in carrying out the
5 project; and

6 (II) data on the performance of
7 the project in providing protection to
8 that coastal community.

9 (2) GUIDELINES.—In developing guidelines re-
10 lating to paragraph (1)(C), the Administrator shall
11 consider how additional data could safely be col-
12 lected before and after major disasters or severe
13 weather events to measure project performance and
14 project recovery.

15 (3) STANDARDS.—

16 (A) IN GENERAL.—Not later than 90 days
17 after the date of the enactment of this Act, the
18 Administrator shall, in consultation with rel-
19 evant offices of the National Oceanic and At-
20 mospheric Administration, relevant interagency
21 councils, and relevant nongovernmental organi-
22 zations, issue standards for the monitoring, col-
23 lection, and reporting under subsection (d)(2)
24 of data regarding the performance of living

1 shoreline projects for which grants are awarded
2 under this section.

3 (B) REPORTING.—The standards issued
4 under subparagraph (A) shall require an eligi-
5 ble entity receiving a grant under this section
6 to report the data described in that subpara-
7 graph to the Administrator on a regular basis.

8 (g) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated \$50,000,000 to the Ad-
10 ministrator for each of fiscal years 2020 through 2025
11 for purposes of carrying out this section.

12 (h) MINIMUM REQUIRED FUNDS FOR SHORELINE
13 PROJECTS LOCATED WITHIN THE GREAT LAKES.—The
14 Secretary shall make not less than 10 percent of the funds
15 awarded under this section to projects located in the Great
16 Lakes.

17 (i) DEFINITIONS.—In this section:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the National
20 Oceanic and Atmospheric Administration.

21 (2) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means any of the following:

23 (A) A unit of a State or local government.

24 (B) An organization described in section
25 501(c)(3) of the Internal Revenue Code of 1986

1 that is exempt from taxation under section
2 501(a) of such Code.

3 (C) An Indian Tribe (as defined in section
4 of the Indian Self-Determination and Edu-
5 cation Assistance Act (25 U.S.C. 5304)).

6 (3) LIVING SHORELINE PROJECT.—The term
7 “living shoreline project”—

8 (A) means a project that—

9 (i) restores or stabilizes a shoreline,
10 including marshes, wetlands, and other
11 vegetated areas that are part of the shore-
12 line ecosystem, by using natural materials
13 and systems to create buffers to attenuate
14 the impact of coastal storms, currents,
15 flooding, and wave energy and to prevent
16 or minimize shoreline erosion while sup-
17 porting coastal ecosystems and habitats;

18 (ii) incorporates as many natural ele-
19 ments as possible, such as native wetlands,
20 submerged aquatic plants, corals, oyster
21 shells, native grasses, shrubs, or trees;

22 (iii) utilizes techniques that incor-
23 porate ecological and coastal engineering
24 principles in shoreline stabilization; and

1 (iv) to the extent possible, maintains
2 or restores existing natural slopes and con-
3 nections between uplands and adjacent
4 wetlands or surface waters;

5 (B) may include the use of—

6 (i) natural elements, such as sand,
7 wetland plants, logs, oysters or other shell-
8 fish, submerged aquatic vegetation, corals,
9 native grasses, shrubs, trees, or coir fiber
10 logs;

11 (ii) project elements that provide eco-
12 logical benefits to coastal ecosystems and
13 habitats in addition to shoreline protection;
14 and

15 (iii) structural materials, such as
16 stone, concrete, wood, vinyl, oyster domes,
17 or other approved engineered structures in
18 combination with natural materials; and

19 (C) may include a project that expands
20 upon or restores natural living shorelines or ex-
21 isting living shoreline projects.

22 (4) STATE.—The term “State” means each of
23 the several States, the District of Columbia, the
24 Commonwealth of Puerto Rico, the United States

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1 Virgin Islands, Guam, American Samoa, and the
2 Commonwealth of the Northern Mariana Islands.

3 **Subtitle B—Wildlife Corridors**
4 **Conservation Act**

5 **SEC. 83201. DEFINITIONS.**

6 In this Act:

7 (1) APPROPRIATE COMMITTEES OF CON-
8 GRESS.—The term “appropriate committees of Con-
9 gress” means—

10 (A) the Committee on Energy and Natural
11 Resources of the Senate;

12 (B) the Committee on Environment and
13 Public Works of the Senate;

14 (C) the Committee on Appropriations of
15 the Senate;

16 (D) the Committee on Energy and Com-
17 merce of the House of Representatives;

18 (E) the Committee on Natural Resources
19 of the House of Representatives;

20 (F) the Committee on Appropriations of
21 the House of Representatives; and

22 (G) in the case of impacts to military in-
23 stallations—

24 (i) the Committee on Armed Services
25 of the House of Representatives; and

1 (ii) the Committee on Armed Services
2 of the Senate.

3 (2) CONNECTIVITY.—The term “connectivity”
4 means the degree to which the landscape or seascape
5 facilitates native species movement.

6 (3) CORRIDOR.—The term “corridor” means a
7 feature of the landscape or seascape that—

8 (A) provides habitat or ecological
9 connectivity; and

10 (B) allows for native species movement or
11 dispersal.

12 (4) DATABASE.—The term “Database” means
13 the National Wildlife Corridors Database established
14 under section 83341(a).

15 (5) FEDERAL LAND OR WATER.—The term
16 “Federal land or water” means any land or water,
17 or interest in land or water, owned by the United
18 States.

19 (6) FUND.—The term “Fund” means the Wild-
20 life Corridors Stewardship Fund established by sec-
21 tion 83401(a).

22 (7) HABITAT.—The term “habitat” means
23 land, water, and substrate occupied at any time dur-
24 ing the life cycle of a native species that is nec-
25 essary, with respect to the native species, for spawn-

1 ing, breeding, feeding, growth to maturity, or migra-
2 tion.

3 (8) INDIAN LAND.—The term “Indian land”
4 means land of an Indian Tribe, or an Indian indi-
5 vidual, that is—

6 (A) held in trust by the United States; or

7 (B) subject to a restriction against alien-
8 ation imposed by the United States.

9 (9) INDIAN TRIBE.—The term “Indian Tribe”
10 has the meaning given the term “Indian tribe” in
11 section 4 of the Indian Self-Determination and Edu-
12 cation Assistance Act (25 U.S.C. 5304).

13 (10) NATIONAL COORDINATION COMMITTEE.—
14 The term “National Coordination Committee”
15 means the National Coordination Committee estab-
16 lished under section 83332(a).

17 (11) NATIONAL WILDLIFE CORRIDOR.—The
18 term “National Wildlife Corridor” means any Fed-
19 eral land or water designated as a National Wildlife
20 Corridor under section 83211(a).

21 (12) NATIONAL WILDLIFE CORRIDOR SYS-
22 TEM.—The term “National Wildlife Corridor Sys-
23 tem” means the system of National Wildlife Cor-
24 ridors established by section 83211(a).

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1 (13) NATIVE SPECIES.—The term “native spe-
2 cies” means—

3 (A) an indigenous fish, wildlife, or plant
4 species of the United States, including sub-
5 species and plant varieties;

6 (B) a fish, wildlife, or plant species not in-
7 digenous to the United States that the Sec-
8 retary determines to be—

9 (i) noninvasive; or

10 (ii) beneficial to the biodiversity of the
11 natural ecosystem; and

12 (C) a migratory bird species that is native
13 to the United States or its territories (as de-
14 fined in section 2(b) of the Migratory Bird
15 Treaty Act (16 U.S.C. 703(b))).

16 (14) REGIONAL OCEAN PARTNERSHIP.—The
17 term “regional ocean partnership” means a regional
18 organization of coastal or Great Lakes States, terri-
19 tories, or possessions voluntarily convened by Gov-
20 ernors to address cross-jurisdictional ocean matters,
21 or the functional equivalent of such a regional ocean
22 organization designated by the Governor or Gov-
23 ernors of a State or States.

24 (15) REGIONAL WILDLIFE MOVEMENT COUN-
25 CIL.—The term “regional wildlife movement council”

1 means a regional wildlife movement council estab-
2 lished under section 83333(a).

3 (16) SECRETARIES.—The term “Secretaries”
4 means—

5 (A) the Secretary of Agriculture;

6 (B) the Secretary of Commerce;

7 (C) the Secretary of Defense;

8 (D) the Secretary of the Interior; and

9 (E) the Secretary of Transportation.

10 (17) SECRETARY.—The term “Secretary”
11 means the Secretary of the Interior, acting through
12 the Director of the United States Fish and Wildlife
13 Service.

14 (18) TRIBAL WILDLIFE CORRIDOR.—The term
15 “Tribal Wildlife Corridor” means a corridor estab-
16 lished by the Secretary under section
17 83321(a)(1)(C).

18 (19) UNITED STATES.—The term “United
19 States”, when used in a geographical sense,
20 means—

21 (A) a State;

22 (B) the District of Columbia;

23 (C) the Commonwealth of Puerto Rico;

24 (D) Guam;

25 (E) American Samoa;

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1 (F) the Commonwealth of the Northern
2 Mariana Islands;

3 (G) the Federated States of Micronesia;

4 (H) the Republic of the Marshall Islands;

5 (I) the Republic of Palau;

6 (J) the United States Virgin Islands; and

7 (K) the territorial sea (within the meaning
8 of the Magnuson-Stevens Fishery Conservation
9 and Management Act (16 U.S.C. 1801 et seq.))
10 and the exclusive economic zone (as defined in
11 section 3 of that Act (16 U.S.C. 1802)) within
12 the jurisdiction or sovereignty of the Federal
13 Government.

14 (20) WILDLIFE MOVEMENT.—The term “wild-
15 life movement” means the passage of individual
16 members or populations of a fish, wildlife, or plant
17 species across a landscape or seascape.

18 (21) MILITARY INSTALLATION.—The term
19 “military installation” has the meaning given the
20 term in section 100 of the Sikes Act (16 U.S.C.
21 670), and also includes military off-shore range com-
22 plexes and off-shore operating areas.

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1 **CHAPTER 1—NATIONAL WILDLIFE COR-**
2 **RIDOR SYSTEM ON FEDERAL LAND**
3 **AND WATER**

4 **SEC. 83211. NATIONAL WILDLIFE CORRIDORS.**

5 (a) ESTABLISHMENT.—There is established a system
6 of corridors on Federal land and water, to be known as
7 the “National Wildlife Corridor System”, which shall con-
8 sist of National Wildlife Corridors designated as part of
9 the National Wildlife Corridor System by—

10 (1) statute;

11 (2) rulemaking under section 83212; or

12 (3) a land management plan developed or re-
13 vised under section 202 of the Federal Land Policy
14 and Management Act of 1976 (43 U.S.C. 1712).

15 (b) STRATEGY.—Not later than 18 months after the
16 date of enactment of this Act, the Secretary shall develop
17 a strategy for the effective development of the National
18 Wildlife Corridor System—

19 (1) to support the fulfillment of the purposes
20 described in section 83212(b);

21 (2) to ensure coordination and consistency
22 across Federal agencies in the development, imple-
23 mentation, and management of National Wildlife
24 Corridors; and

1 (3) to develop a timeline for the implementation
2 of National Wildlife Corridors.

3 **SEC. 83212. ADMINISTRATIVE DESIGNATION OF NATIONAL**
4 **WILDLIFE CORRIDORS.**

5 (a) RULEMAKING.—

6 (1) NATIONAL WILDLIFE CORRIDORS.—Not
7 later than 2 years after the date of enactment of
8 this Act, the Secretary, in consultation with the Sec-
9 retaries, pursuant to the land, water, and resource
10 management planning and conservation authorities
11 of the Secretaries, shall establish a process, by regu-
12 lation, for the designation and management of Na-
13 tional Wildlife Corridors on Federal land or water
14 under the respective jurisdictions of the Secretaries.
15 Where a National Wildlife Corridor crosses federal
16 land or water under the jurisdiction of several secre-
17 taries, then the Secretary must obtain concurrence
18 from the applicable Secretaries before a National
19 Wildlife Corridor may be designated.

20 (2) FEDERAL LAND AND WATER MANAGE-
21 MENT.—The Secretaries shall consider the designa-
22 tion of National Wildlife Corridors in any process re-
23 lating to the issuance, revision, or modification of a
24 management plan for land or water under the re-

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1 spective jurisdiction of the Secretaries insofar as a
2 corridor is consistent with the purpose of the plan.

3 (b) CRITERIA FOR DESIGNATION.—The regulations
4 promulgated by the Secretary under subsection (a)(1)
5 shall ensure that, in designating a National Wildlife Cor-
6 ridor, the Secretaries—

7 (1) base the designation of the National Wild-
8 life Corridor on—

9 (A) coordination with existing—

10 (i) National Wildlife Corridors;

11 (ii) corridors established by States;

12 and

13 (iii) Tribal Wildlife Corridors; and

14 (B) the best available science of—

15 (i) existing native species habitat; and

16 (ii) likely future native species habi-
17 tats;

18 (2) determine that the National Wildlife Cor-
19 ridor supports the connectivity, persistence, resil-
20 ience, and adaptability of the native species for
21 which it has been designated by providing for—

22 (A) dispersal and genetic exchange between
23 populations;

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1 (B) range shifting, range expansion, or
2 range restoration, such as in response to cli-
3 mate change;

4 (C) seasonal movement or migration; or

5 (D) succession, movement, or recoloniza-
6 tion following—

7 (i) a disturbance, such as fire, flood,
8 drought, or infestation; or

9 (ii) population decline or previous ex-
10 tirpation;

11 (3) consult the Database; and

12 (4) consider recommendations from the Na-
13 tional Coordination Committee under section
14 83332(e)(2)(C).

15 (c) DESIGNATION OF FEDERAL LAND OR WATER RE-
16 QUIRING RESTORATION OR CONNECTION OF HABITAT.—
17 The Secretaries may designate as a National Wildlife Cor-
18 ridor land or water that—

19 (1) is necessary for the natural movements of
20 1 or more native species;

21 (2) requires restoration, including—

22 (A) land or water that is degraded; and

23 (B) land or water from which a species is
24 currently absent—

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1 (i) but may be colonized or recolo-
2 nized by the species naturally; or

3 (ii) to which the species may be re-
4 introduced or restored based on habitat
5 changes; and

6 (3) is fragmented or consists of only a portion
7 of the habitat required for the connectivity needs of
8 1 or more native species.

9 (d) NOMINATION FOR DESIGNATION.—

10 (1) IN GENERAL.—In establishing the process
11 for designation under subsection (a)(1), the Sec-
12 retary shall include procedures under which—

13 (A) any State, Tribal, or local government,
14 or a nongovernmental organization engaged in
15 the conservation of native species and the im-
16 provement of the habitats of native species, may
17 submit to the Secretaries a nomination to des-
18 ignate as a National Wildlife Corridor an area
19 under the respective jurisdiction of the Secre-
20 taries; and

21 (B) the Secretaries shall consider and, not
22 later than 1 year after the date on which the
23 nomination was submitted under subparagraph
24 (A), respond to any nomination submitted
25 under that subparagraph.

1 (2) SUPPORTING DOCUMENTATION.—A nomina-
2 tion for designation under paragraph (1)(A) shall in-
3 clude supporting documentation, including—

4 (A) the native species for which the Na-
5 tional Wildlife Corridor would be designated;

6 (B) summaries and references of, with re-
7 spect to the designation of a National Wildlife
8 Corridor—

9 (i) the best science available at the
10 time of the submission of the nomination
11 for designation documenting why the cor-
12 ridor is needed; and

13 (ii) the most current scientific reports
14 available at the time of the submission of
15 the nomination for designation;

16 (C) information with respect to how the
17 nomination was coordinated with potential part-
18 ners;

19 (D) a description of supporting stake-
20 holders, such as States, Indian Tribes, local
21 governments, scientific organizations, non-
22 governmental organizations, and affected vol-
23 untary private landowners; and

24 (E) any additional information the Secre-
25 taries, in consultation with the National Coordi-

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1 nation Committee, determine is relevant to the
2 nomination.

3 (e) DESIGNATION ON MILITARY LAND.—

4 (1) IN GENERAL.—Any designation of a Na-
5 tional Wildlife Corridor on a military installation—

6 (A) shall be consistent with the use of mili-
7 tary installations and State-owned National
8 Guard installations to ensure the preparedness
9 of the Armed Forces; and

10 (B) may not result in a net loss in the ca-
11 pability of military installation lands to support
12 the military mission of the installation.

13 (2) SUSPENSION OR TERMINATION OF DESIGNA-
14 TION.—The Secretary of Defense may suspend or
15 terminate the designation of any National Wildlife
16 Corridor on a military installation if the Secretary of
17 Defense considers the suspension or termination to
18 be necessary for military purposes, after public no-
19 tice of the suspension or termination.

20 **SEC. 83213. MANAGEMENT OF NATIONAL WILDLIFE COR-**
21 **RIDORS.**

22 (a) IN GENERAL.—The Secretaries shall, consistent
23 with other applicable Federal land and water management
24 requirements, laws, and regulations, manage each Na-
25 tional Wildlife Corridor under the respective administra-

1 tive jurisdiction of the Secretaries in a manner that con-
2 tributes to the long-term connectivity, persistence, resil-
3 ience, and adaptability of native species for which the Na-
4 tional Wildlife Corridor is identified, including through—

5 (1) the maintenance and improvement of habi-
6 tat connectivity within the National Wildlife Cor-
7 ridor;

8 (2) the implementation of strategies and activi-
9 ties that enhance the ability of native species to re-
10 spond to climate change and other environmental
11 factors;

12 (3) the maintenance or restoration of the integ-
13 rity and functionality of the National Wildlife Cor-
14 ridor;

15 (4) the mitigation or removal of human infra-
16 structure that obstructs the natural movement of
17 native species; and

18 (5) the use of existing conservation programs,
19 including Tribal Wildlife Corridors, under the re-
20 spective jurisdiction of the Secretaries to contribute
21 to the connectivity, persistence, resilience, and
22 adaptability of native species.

23 (b) NATIONAL WILDLIFE CORRIDORS SPANNING
24 MULTIPLE JURISDICTIONS.—In the case of a National
25 Wildlife Corridor that spans the administrative jurisdic-

1 tion of 2 or more of the Secretaries, the relevant Secre-
2 taries shall coordinate management of the National Wild-
3 life Corridor in accordance with section 83311(b) to ad-
4 vance the purposes described in section 83211(b).

5 (c) ROAD MITIGATION.—In the case of a National
6 Wildlife Corridor that intersects, adjoins, or crosses a new
7 or existing State, Tribal, or local road or highway, the rel-
8 evant Secretaries shall coordinate with the Secretary of
9 Transportation and State, Tribal, and local transportation
10 agencies, as appropriate, to identify and implement vol-
11 untary environmental mitigation measures—

12 (1) to improve public safety and reduce vehicle
13 caused native species mortality while maintaining
14 habitat connectivity; and

15 (2) to mitigate damage to the natural move-
16 ments of native species through strategies such as—

17 (A) the construction, maintenance, or replacement of
18 native species underpasses, overpasses, and culverts;

19 and

20 (B) the maintenance, replacement, or re-
21 moval of dams, bridges, culverts, and other
22 hydrological obstructions.

23 (d) COMPATIBLE USES.—A use of Federal land or
24 water that was authorized before the date on which the
25 Federal land or water is designated as a National Wildlife

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1 Corridor may continue if the applicable Secretaries deter-
2 mine that the use is compatible with the wildlife move-
3 ments of the species for which the National Wildlife Cor-
4 ridor was designated, consistent with applicable Federal
5 laws and regulations.

6 **CHAPTER 2—WILDLIFE CORRIDORS**

7 **CONSERVATION**

8 **Subchapter A—National Wildlife Corridor**

9 **System on Federal Land and Water**

10 **SEC. 83311. COLLABORATION AND COORDINATION.**

11 (a) COLLABORATION.—The Secretaries may partner
12 with and provide funds to States, local governments, In-
13 dian Tribes, the National Coordination Committee, vol-
14 untary private landowners, and the regional wildlife move-
15 ment councils to support the purposes described in section
16 83211(b).

17 (b) COORDINATION.—To the maximum extent prac-
18 ticable and consistent with applicable law, the Secretary
19 or Secretaries, as applicable, shall develop the strategy
20 under section 83211(b), designate National Wildlife Cor-
21 ridors under section 83212, and manage National Wildlife
22 Corridors under section 83213—

23 (1) in consultation and coordination with—

24 (A) other relevant Federal agencies;

25 (B) States, including—

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- 1 (i) State fish and wildlife agencies;
2 and
3 (ii) other State agencies responsible
4 for managing the natural resources and
5 wildlife;
- 6 (C) Indian Tribes;
7 (D) units of local government;
8 (E) other interested stakeholders identified
9 by the Secretary, including applicable voluntary
10 private landowners;
- 11 (F) landscape- and seascape-scale partner-
12 ships, including—
- 13 (i) the National Fish Habitat Part-
14 nership;
- 15 (ii) the National Marine Fisheries
16 Service;
- 17 (iii) regional fishery management
18 councils established under section 302(a)
19 of the Magnuson-Stevens Fishery Con-
20 servation and Management Act (16 U.S.C.
21 1852(a));
- 22 (iv) relevant regional ocean partner-
23 ships;
- 24 (v) the Climate Science Centers of the
25 Department of the Interior; and

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- 1 (vi) the Landscape Conservation Co-
2 operative Network;
3 (G) the National Coordination Committee;
4 and
5 (H) the regional wildlife movement coun-
6 cils.

7 **SEC. 83312. EFFECT.**

8 (a) RELATIONSHIP TO OTHER CONSERVATION
9 LAWS.—Nothing in this chapter amends or otherwise af-
10 fects any other law (including regulations) relating to the
11 conservation of native species.

12 (b) JURISDICTION OF STATES AND INDIAN
13 TRIBES.—Nothing in this chapter or an amendment made
14 by this chapter affects the jurisdiction of a State or an
15 Indian Tribe with respect to fish and wildlife management,
16 including the regulation of hunting, fishing, and trapping,
17 in a National Wildlife Corridor or a Tribal Wildlife Cor-
18 ridor.

19 **Subchapter B—Tribal Wildlife Corridors**

20 **SEC. 83321. TRIBAL WILDLIFE CORRIDORS.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—

23 (A) NOMINATIONS.—An Indian Tribe may
24 nominate a corridor within Indian land of the
25 Indian Tribe as a Tribal Wildlife Corridor by

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1 submitting to the Secretary, in consultation
2 with the Director of the Bureau of Indian Af-
3 fairs (referred to in this section as the “Sec-
4 retary”), an application at such time, in such
5 manner, and containing such information as the
6 Secretary may require.

7 (B) DETERMINATION.—Not later than 90
8 days after the date on which the Secretary re-
9 ceives an application under subparagraph (A),
10 the Secretary shall determine whether the nomi-
11 nated Tribal Wildlife Corridor described in the
12 application meets the criteria established under
13 paragraph (2).

14 (C) PUBLICATION.—On approval of an ap-
15 plication under subparagraph (B), the Sec-
16 retary shall publish in the Federal Register a
17 notice of the establishment of the Tribal Wild-
18 life Corridor, which shall include a map and
19 legal description of the land designated as a
20 Tribal Wildlife Corridor.

21 (2) CRITERIA.—

22 (A) IN GENERAL.—Not later than 18
23 months after the date of enactment of this Act,
24 the Secretary shall establish criteria for deter-
25 mining whether a corridor nominated by an In-

1 dian Tribe under paragraph (1)(A) qualifies as
2 a Tribal Wildlife Corridor.

3 (B) INCLUSIONS.—The criteria established
4 under subparagraph (A) shall include, at a min-
5 imum, the following:

6 (i) The restoration of historical habi-
7 tat for the purposes of facilitating
8 connectivity.

9 (ii) The management of land for the
10 purposes of facilitating connectivity.

11 (iii) The management of land to pre-
12 vent the imposition of barriers that may
13 hinder current or future connectivity.

14 (3) REMOVAL.—

15 (A) IN GENERAL.—An Indian Tribe may
16 elect to remove the designation of a Tribal
17 Wildlife Corridor on the Indian land of the In-
18 dian Tribe by notifying the Secretary.

19 (B) EFFECT OF REMOVAL.—An Indian
20 Tribe that elects to remove a designation under
21 subparagraph (A) may not receive assistance
22 under subsection (c) or (d)(1) or section 83331.

23 (b) COORDINATION OF LAND USE PLANS.—Section
24 202 of the Federal Land Policy and Management Act of
25 1976 (43 U.S.C. 1712) is amended—

1 (1) in subsection (b)—

2 (A) by striking “Indian tribes by” and in-
3 serting the following: “Indian tribes—
4 “(1) by”;

5 (B) in paragraph (1) (as so designated), by
6 striking the period at the end and inserting “;
7 and”;

8 (C) by adding at the end the following:

9 “(2) for the purposes of determining whether
10 the land use plans for land in the National Forest
11 System would provide additional connectivity to ben-
12 efit the purposes of a Tribal Wildlife Corridor estab-
13 lished under section 83321(a)(1) of the Wildlife Cor-
14 ridors Conservation Act of 2020.”; and

15 (2) by adding at the end the following:

16 “(g) TRIBAL WILDLIFE CORRIDORS.—On the estab-
17 lishment of a Tribal Wildlife Corridor under section
18 83321(a)(1) of the Wildlife Corridors Conservation Act of
19 2020, the Secretary shall conduct a meaningful consulta-
20 tion with the Indian tribe that administers the Tribal
21 Wildlife Corridor to determine whether, through the revi-
22 sion of 1 or more existing land use plans, the Tribal Wild-
23 life Corridor can—

24 “(1) be expanded into public lands; or

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1 “(2) otherwise benefit connectivity (as defined
2 in section 83201 of that Act) between public lands
3 and the Tribal Wildlife Corridor.”.

4 (c) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide to Indian Tribes technical assistance relating to
6 the establishment, management, and expansion of a Tribal
7 Wildlife Corridor, including assistance with accessing wild-
8 life data and working with voluntary private landowners
9 to access Federal and State programs to improve wildlife
10 habitat and connectivity on non-Federal land.

11 (d) AVAILABILITY OF ASSISTANCE.—

12 (1) CONSERVATION PROGRAMS CONSIDER-
13 ATION.—

14 (A) IN GENERAL.—In evaluating applica-
15 tions under conservation programs described in
16 subparagraph (B), the Secretary of Agriculture
17 may consider whether a project would enhance
18 connectivity through the expansion of a Tribal
19 Wildlife Corridor.

20 (B) PROGRAMS DESCRIBED.—The con-
21 servation programs referred to in subparagraph
22 (A) are any of the following conservation pro-
23 grams administered by the Secretary of Agri-
24 culture:

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1 (i) The conservation reserve program
2 established under subchapter B of chapter
3 1 of subtitle D of title XII of the Food Se-
4 curity Act of 1985 (16 U.S.C. 3831 et
5 seq.).

6 (ii) The environmental quality incen-
7 tives program established under subchapter
8 A of chapter 4 of subtitle D of title XII of
9 the Food Security Act of 1985 (16 U.S.C.
10 3839aa et seq.).

11 (iii) The conservation stewardship
12 program established under subchapter B of
13 chapter 4 of subtitle D of title XII of the
14 Food Security Act of 1985 (16 U.S.C.
15 3839aa–21 et seq.).

16 (iv) The agricultural conservation
17 easement program established under sub-
18 title H of title XII of the Food Security
19 Act of 1985 (16 U.S.C. 3865 et seq.).

20 (2) WILDLIFE MOVEMENTS GRANT PROGRAM.—
21 An Indian Tribe that has a Tribal Wildlife Corridor
22 established on the Indian land of the Indian Tribe
23 shall be eligible for a grant under the wildlife move-
24 ments grant program under section 83331, subject

1 to other applicable requirements of that grant pro-
2 gram.

3 (e) SAVINGS CLAUSE.—Nothing in this section au-
4 thorizes or affects the use of private property or Indian
5 land.

6 **SEC. 83322. PROTECTION OF INDIAN TRIBES.**

7 (a) FEDERAL TRUST RESPONSIBILITY.—Nothing in
8 this chapter amends, alters, or waives the Federal trust
9 responsibility to Indian Tribes.

10 (b) FREEDOM OF INFORMATION ACT.—

11 (1) EXEMPTION.—Information described in
12 paragraph (2) shall not be subject to disclosure
13 under section 552 of title 5, United States Code
14 (commonly known as the “Freedom of Information
15 Act”), if the head of the agency that receives the in-
16 formation, in consultation with the Secretary and
17 the affected Indian Tribe, determines that disclosure
18 may—

19 (A) cause a significant invasion of privacy;

20 (B) risk harm to human remains or re-
21 sources, cultural items, uses, or activities; or

22 (C) impede the use of a traditional reli-
23 gious site by practitioners.

2014

1 (2) INFORMATION DESCRIBED.—Information
2 referred to in paragraph (1) is information received
3 by a Federal agency—

4 (A) pursuant to this chapter relating to—

5 (i) the location, character, or owner-
6 ship of human remains of a person of In-
7 dian ancestry; or

8 (ii) resources, cultural items, uses, or
9 activities identified by an Indian Tribe as
10 traditional or cultural because of the long-
11 established significance or ceremonial na-
12 ture to the Indian Tribe; or

13 (B) pursuant to the Native American
14 Graves Protection and Repatriation Act (25
15 U.S.C. 3001 et seq.).

16 **Subchapter C—Wildlife Movement Grant**
17 **Program on Non-Federal Land and Water**

18 **SEC. 83331. WILDLIFE MOVEMENTS GRANT PROGRAM.**

19 (a) IN GENERAL.—The Secretary shall establish a
20 wildlife movements grant program (referred to in this sec-
21 tion as the “grant program”) to encourage wildlife move-
22 ment in accordance with this subsection.

23 (b) GRANTS.—Beginning not later than 2 years after
24 the date of enactment of this Act, the Secretary, based
25 on recommendations from the National Coordination

2015

1 Committee under section 83332(e)(2)(C), shall make
2 grants to 1 or more projects that—

3 (1) are a regional priority project identified by
4 a regional wildlife movement council;

5 (2) satisfy the purposes described in section
6 83211(b); and

7 (3) increase connectivity for native species.

8 (c) ELIGIBLE RECIPIENTS.—A person that is eligible
9 to receive a grant under the grant program is—

10 (1) a voluntary private landowner or group of
11 landowners;

12 (2) a State fish and wildlife agency or other
13 State agency responsible for managing natural re-
14 sources and wildlife;

15 (3) an Indian Tribe;

16 (4) a unit of local government;

17 (5) an agricultural cooperative;

18 (6) water, irrigation, or rural water districts or
19 associations, or other organizations with water deliv-
20 ery authority (including acequias and land grant
21 communities in the State of New Mexico);

22 (7) institutions of higher education;

23 (8) an entity approved for a grant by a regional
24 wildlife movement council; and

1 (9) any group of entities described in para-
2 graphs (1) through (8).

3 (d) **REQUIREMENTS.**—In administering the grant
4 program, the Secretary shall use the criteria, guidelines,
5 contracts, reporting requirements, and evaluation metrics
6 developed by the National Coordination Committee under
7 subparagraphs (A) and (B) of section 83332(e)(2).

8 **SEC. 83332. NATIONAL COORDINATION COMMITTEE.**

9 (a) **ESTABLISHMENT.**—Not later than 18 months
10 after the date of enactment of this Act, the Secretary shall
11 establish a committee, to be known as the “National Co-
12 ordination Committee”.

13 (b) **ADMINISTRATIVE SUPPORT.**—The Secretary shall
14 provide administrative support for the National Coordina-
15 tion Committee.

16 (c) **MEMBERSHIP.**—The National Coordination Com-
17 mittee shall be composed of—

18 (1) the Secretary (or a designee);

19 (2) the Secretary of Transportation (or a des-
20 ignee);

21 (3) the Secretary of Agriculture (or a designee);

22 (4) the Secretary of Commerce (or a designee);

23 (5) the Secretary of Defense (or a designee);

24 (6) the Director of the Bureau of Indian Affairs

25 (or a designee);

2017

1 (7) the Executive Director of the Association of
2 Fish and Wildlife Agencies (or a designee);

3 (8) 2 representatives of intertribal organiza-
4 tions, to be appointed by the Secretary;

5 (9) the chairperson of each regional wildlife
6 movement council (or a designee); and

7 (10) not more than 3 representatives of non-
8 governmental, science, or academic organizations
9 with expertise in wildlife conservation and habitat
10 connectivity, to be appointed by the Secretary in a
11 manner that ensures that the membership of the
12 National Coordination Committee is fair and bal-
13 anced.

14 (d) CHAIRPERSON.—The National Coordination
15 Committee shall select a Chairperson and Vice Chair-
16 person from among the members of the National Coordi-
17 nation Committee.

18 (e) DUTIES.—The National Coordination Com-
19 mittee—

20 (1) shall establish standards for regional wild-
21 life movement plans to allow for better cross-regional
22 collaboration; and

23 (2) shall, with respect to the wildlife movements
24 grant program under section 83331—

2018

1 (A) establish criteria and develop guide-
2 lines for the solicitation of applications for
3 grants by regional wildlife movement councils;

4 (B) develop standardized contracts, report-
5 ing requirements, and evaluation metrics for
6 grant recipients; and

7 (C) make recommendations annually to the
8 Secretary for the selection of grant recipients
9 on the basis of the ranked lists of regional pri-
10 ority projects received from the regional wildlife
11 movement councils under section 83333(c)(4)
12 that are consistent with the purposes described
13 in section 83211(b).

14 (f) APPLICABILITY OF FACA.—Except as otherwise
15 provided in this section, the Federal Advisory Committee
16 Act (5 U.S.C. App.) shall apply to the National Coordina-
17 tion Committee.

18 **SEC. 83333. REGIONAL WILDLIFE MOVEMENT COUNCILS.**

19 (a) ESTABLISHMENT.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary shall es-
21 tablish not less than 4 regional wildlife movement councils
22 with separate geographic jurisdictions that encompass the
23 entire United States.

24 (b) MEMBERSHIP.—

2019

1 (1) IN GENERAL.—Each regional wildlife move-
2 ment council shall be composed of—

3 (A) the director of each State fish and
4 wildlife agency within the jurisdiction of the re-
5 gional wildlife movement council (or a des-
6 ignee);

7 (B) balanced representation from Tribal
8 governments within the jurisdiction of the re-
9 gional wildlife movement council;

10 (C) to serve as a Federal agency liaison
11 and nonvoting, ex officio member—

12 (i) the Director of the United States
13 Fish and Wildlife Service (or a designee);
14 or

15 (ii) the director of any applicable re-
16 gional office of the United States Fish and
17 Wildlife Service (or a designee);

18 (D) not more than 3 representatives of
19 nongovernmental, science, or academic organi-
20 zations with expertise in native species con-
21 servation and the habitat connectivity needs of
22 the region covered by the regional wildlife move-
23 ment council; and

24 (E) not more than 3 voluntary representa-
25 tives of private landowners with property in the

2020

1 applicable region, not less than 1 of whom shall
2 be a farmer or rancher.

3 (2) REQUIREMENTS.—

4 (A) MEMBERSHIP.—The Secretary shall
5 ensure that the membership of each regional
6 wildlife movement council is fair and balanced
7 in terms of expertise and perspectives rep-
8 resented.

9 (B) EXPERTISE.—Each regional wildlife
10 movement council shall include experts in eco-
11 logical connectivity, native species ecology, and
12 ecological adaptation.

13 (3) CHAIRPERSON.—Each regional wildlife
14 movement council shall select a Chairperson from
15 among the members of the regional wildlife move-
16 ment council.

17 (c) DUTIES.—Each regional wildlife movement coun-
18 cil shall—

19 (1) not later than 2 years after the date of es-
20 tablishment of the regional wildlife movement coun-
21 cil and in accordance with any standards established
22 by the National Coordination Committee, prepare
23 and submit to the Secretary and the National Co-
24 ordination Committee a regional wildlife movement
25 plan that maintains natural wildlife movement by

1 identifying research priorities and data needs for the
2 Database that is revised, amended, or updated not
3 less frequently than once every 5 years;

4 (2) provide for public engagement, including en-
5 gagement of Indian Tribes, at appropriate times and
6 in appropriate locations in the region covered by the
7 regional wildlife movement council, to allow all inter-
8 ested persons an opportunity to be heard in the de-
9 velopment and implementation of a regional wildlife
10 movement plan under paragraph (1);

11 (3) solicit applications for wildlife movement
12 grants under section 83331 in accordance with the
13 criteria and guidelines established by the National
14 Coordination Council under section 83332(e)(2)(A);

15 (4) in accordance with the criteria and guide-
16 lines established under section 83332(e)(2)(A), sub-
17 mit to the National Coordination Committee an an-
18 nual list of regional priority projects, in ranked
19 order, for wildlife movements grants under section
20 83331 to maintain wildlife movements in the area
21 under the jurisdiction of the regional wildlife move-
22 ment council; and

23 (5) submit to the Secretary and the National
24 Coordination Committee, and make publicly avail-

1 able, an annual report describing the activities of the
2 regional wildlife movement council.

3 (d) COORDINATION.—If applicable, to increase habi-
4 tat connectivity between designated Federal land and
5 water and non-Federal land and water, a regional wildlife
6 movement council shall coordinate with—

7 (1) Federal agencies;

8 (2) Indian Tribes;

9 (3) regional fishery management councils estab-
10 lished under section 302(a) of the Magnuson-Stevens
11 Fishery Conservation and Management Act (16
12 U.S.C. 1852(a));

13 (4) migratory bird joint ventures partnerships
14 recognized by the United States Fish and Wildlife
15 Service with respect to migratory bird species;

16 (5) State fish and wildlife agencies;

17 (6) regional associations of fish and wildlife
18 agencies;

19 (7) nongovernmental organizations;

20 (8) applicable voluntary private landowners;

21 (9) the National Coordination Committee;

22 (10) fish habitat partnerships;

23 (11) other regional wildlife movement councils
24 with respect to crossregional projects;

2023

1 (12) international wildlife management entities
2 with respect to transboundary species in accordance
3 with trade policies of the United States; and

4 (13) Federal and State transportation agencies.

5 (e) APPLICABILITY OF FACA.—Except as otherwise
6 provided in this section, the Federal Advisory Committee
7 Act (5 U.S.C. App.) shall apply to the regional wildlife
8 movement councils.

9 **Subchapter D—National Wildlife Corridors**

10 **Database**

11 **SEC. 83341. NATIONAL WILDLIFE CORRIDORS DATABASE.**

12 (a) IN GENERAL.—Not later than 18 months after
13 the date of enactment of this Act, the Director of the
14 United States Geological Survey (referred to in this sec-
15 tion as the “Director”), in consultation with the National
16 Coordination Committee and the regional wildlife move-
17 ment councils, shall establish a database, to be known as
18 the “National Wildlife Corridors Database”.

19 (b) CONTENTS.—

20 (1) IN GENERAL.—The Database shall—

21 (A) include maps, data, models, surveys,
22 and descriptions of native species habitats, wild-
23 life movements, and corridors that have been
24 developed by Federal agencies that pertain to
25 Federal land and water;

2024

1 (B) include maps, models, analyses, and
2 descriptions of projected shifts in habitats, wild-
3 life movements, and corridors of native species
4 in response to climate change or other environ-
5 mental factors;

6 (C) reflect the best scientific data and in-
7 formation available; and

8 (D) in accordance with the requirements of
9 the Geospatial Data Act of 2018 (Public Law
10 115–254), have the data, models, and analyses
11 included in the Database available at scales
12 useful to State, Tribal, local, and Federal agen-
13 cy decisionmakers and the public.

14 (c) REQUIREMENTS.—Subject to subsection (d), the
15 Director, in collaboration with the National Coordination
16 Committee, the regional wildlife movement councils, and
17 the Administrator of the National Oceanic and Atmos-
18 pheric Administration, shall—

19 (1) design the Database to support State, Trib-
20 al, local, voluntary private landowner, and Federal
21 agency decisionmakers and the public with data that
22 will allow those entities—

23 (A) to prioritize and target natural re-
24 source adaptation strategies and enhance exist-
25 ing State and Tribal corridor protections;

1 (B) to assess the impacts of proposed en-
2 ergy, water, transportation, and transmission
3 projects, and other development activities, and
4 to avoid, minimize, and mitigate the impacts of
5 those projects and activities on National Wild-
6 life Corridors;

7 (C) to assess the impact of new and exist-
8 ing development on native species habitats and
9 National Wildlife Corridors; and

10 (D) to develop strategies that promote
11 habitat connectivity to allow native species to
12 move—

13 (i) to meet biological and ecological
14 needs;

15 (ii) to adjust to shifts in habitat; and

16 (iii) to adapt to climate change;

17 (2) establish a coordination process among Fed-
18 eral agencies to update maps and other information
19 with respect to landscapes, seascapes, native species
20 habitats and ranges, habitat connectivity, National
21 Wildlife Corridors, and wildlife movement changes as
22 information based on new scientific data becomes
23 available; and

24 (3) not later than 5 years after the date of en-
25 actment of this Act, and not less frequently than

1 once every 5 years thereafter, develop, submit a re-
2 port to the Secretary and the appropriate commit-
3 tees of Congress, and make publicly available a re-
4 port, that, with respect to the Database—

5 (A) outlines the categories for data that
6 may be included in the Database;

7 (B) outlines the data protocols and stand-
8 ards for each category of data in the Database;

9 (C) identifies gaps in native species habitat
10 and National Wildlife Corridor information;

11 (D) prioritizes research and future data
12 collection activities for use in updating the
13 Database; and

14 (E) evaluates and quantifies the efficacy of
15 the Database to meet the needs of the entities
16 described in paragraph (1).

17 (d) PROPRIETARY INTERESTS AND PROTECTED IN-
18 FORMATION.—In developing the Database, the Director
19 shall—

20 (1) as applicable, protect proprietary interests
21 with respect to any licensed information, licensed
22 data, and other items contained in the Database;
23 and

24 (2) protect information in the Database with
25 respect to the habitats and ranges of specific native

1 species to prevent poaching, illegal taking and trap-
2 ping, and other related threats to native species.

3 **CHAPTER 3—FUNDING**

4 **SEC. 83401. WILDLIFE CORRIDORS STEWARDSHIP FUND.**

5 (a) ESTABLISHMENT AND CONTENTS.—There is es-
6 tablished in the Treasury a fund, to be known as the
7 “Wildlife Corridors Stewardship Fund”, that consists of
8 donations of amounts accepted under subsection (c).

9 (b) USE.—The Fund—

10 (1) shall be administered by the Secretary and
11 the National Fish and Wildlife Foundation, acting
12 jointly; and

13 (2) may be used by the National Fish and
14 Wildlife Foundation to enhance the management
15 and protection of National Wildlife Corridors by pro-
16 viding financial assistance to the Federal Govern-
17 ment, Indian Tribes, and nongovernmental, science,
18 and academic organizations.

19 (c) DONATIONS.—The National Fish and Wildlife
20 Foundation may solicit and accept donations of amounts
21 for deposit into the Fund.

22 (d) COORDINATION.—In administering the Fund, the
23 Secretary and the National Fish and Wildlife Foundation
24 may coordinate with regional wildlife movement councils,

1 regional ocean partnerships, and the National Coordina-
2 tion Committee to the maximum extent practicable.

3 (e) DISCLOSURE OF USE.—Not later than 1 year
4 after the date of enactment of this Act, and annually
5 thereafter, the Secretary and the National Fish and Wild-
6 life Foundation shall make publicly available a description
7 of usage of the Fund during the preceding calendar year.

8 **SEC. 83402. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) NATIONAL WILDLIFE CORRIDOR SYSTEM.—
10 There are authorized to be appropriated to carry out title
11 I for fiscal year 2020 and each fiscal year thereafter—

12 (1) to the Secretary, \$7,500,000;

13 (2) to the Secretary of Agriculture, \$3,000,000;

14 (3) to the Secretary of Defense, \$1,500,000;

15 (4) to the Secretary of Commerce, \$3,000,000;

16 and

17 (5) to the Secretary of Transportation,
18 \$3,000,000.

19 (b) TRIBAL WILDLIFE CORRIDORS.—There is au-
20 thorized to be appropriated to carry out title II
21 \$5,000,000 for fiscal year 2020 and each fiscal year there-
22 after.

23 (c) WILDLIFE MOVEMENTS GRANT PROGRAM AND
24 REGIONAL WILDLIFE MOVEMENT COUNCILS.—

25 (1) WILDLIFE MOVEMENT GRANT PROGRAM.—

2029

1 (A) IN GENERAL.—There is authorized to
2 be appropriated to the Secretary to carry out
3 the wildlife movements grant program under
4 section 83331 \$50,000,000 for fiscal year 2022
5 and each fiscal year thereafter.

6 (B) REQUIREMENTS.—Amounts appro-
7 priated under subparagraph (A) may be used to
8 complement or match other Federal or non-
9 Federal funding received by the projects funded
10 by those grants.

11 (C) ADMINISTRATIVE SUPPORT.—Not
12 more than 5 percent of amounts appropriated
13 under subparagraph (A) may be used for ad-
14 ministrative support.

15 (2) REGIONAL WILDLIFE MOVEMENT COUN-
16 CILS.—

17 (A) IN GENERAL.—There is authorized to
18 be appropriated to the Secretary to provide sup-
19 port for the regional wildlife movement councils
20 to carry out section 83333 \$1,000,000 for fiscal
21 year 2020 and each fiscal year thereafter.

22 (B) EQUAL DIVISION.—Amounts appro-
23 priated under subparagraph (A) shall be pro-
24 portionally divided between each regional wild-
25 life movement council.

1 (d) NATIONAL WILDLIFE CORRIDORS DATABASE.—
2 There are authorized to be appropriated to the Secretary
3 to carry out section 83341—

4 (1) \$3,000,000 for fiscal year 2020; and

5 (2) \$1,500,000 for fiscal year 2021 and each
6 fiscal year thereafter.

7 **TITLE IV—ENERGY**

8 **Subtitle A—Establishment of Fed-** 9 **eral Orphaned Well Remedi-** 10 **ation Program**

11 **SEC. 84101. ESTABLISHMENT OF FEDERAL ORPHANED** 12 **WELL REMEDIATION PROGRAM.**

13 Section 349 of the Energy Policy Act of 2005 (Public
14 Law 109–58; 42 U.S.C. 15907) is amended—

15 (1) by striking the section title and inserting
16 with “**ORPHANED WELL REMEDIATION PRO-**
17 **GRAM**”; and

18 (2) by striking subsections (a) through (i) and
19 replacing with the following—

20 “(a) **IN GENERAL.**—The Secretary, in cooperation
21 with the Secretary of Agriculture, shall establish a pro-
22 gram not later than 90 days after the date of enactment
23 of this section to remediate, reclaim, and close orphaned
24 oil and gas wells located on land administered by the land

1 management agencies within the Department of the Inte-
2 rior and the Department of Agriculture.

3 “(b) ACTIVITIES.—The program under subsection (a)
4 shall—

5 “(1) include a means of ranking orphaned well
6 sites for priority in remediation, reclamation, and
7 closure, based on public health and safety, potential
8 environmental harm, and other land use priorities;

9 “(2) distribute funding according to the prior-
10 ities identified under paragraph (1) of this sub-
11 section for—

12 “(A) reclaiming, remediating, and closing
13 orphaned wells;

14 “(B) reclaiming and remediating well pads
15 and access roads associated with orphaned
16 wells; and

17 “(C) restoring native species habitat that
18 has been degraded due to the presence of or-
19 phaned wells;

20 “(3) provide a public accounting of the costs of
21 remediation, reclamation, and closure for each or-
22 phaned well site; and

23 “(4) seek to determine the identities of poten-
24 tially responsible parties associated with the or-
25 phaned well sites, or their sureties or guarantors, to

1 the extent such information can be ascertained, and
2 make efforts to obtain reimbursement for expendi-
3 tures to the extent practicable.

4 “(c) COOPERATION AND CONSULTATIONS.—In car-
5 rying out the program under subsection (a), the Secretary
6 shall—

7 “(1) work cooperatively with the Secretary of
8 Agriculture and the States within which Federal
9 land is located; and

10 “(2) consult with affected Tribes, the Secretary
11 of Energy, and the Interstate Oil and Gas Compact
12 Commission.

13 “(d) STATE AND TRIBAL ORPHANED WELLS.—

14 “(1) IN GENERAL.—The Secretary shall estab-
15 lish a program not later than 90 days after the date
16 of enactment of this section to provide grants to
17 States and Tribes to remediate, reclaim, and close
18 orphaned oil and gas wells located on State, Tribal,
19 or private lands.

20 “(2) ACTIVITIES.—Funds distributed under this
21 subsection may be used by States and Tribes for the
22 activities described in subsection (b), and in addition
23 for—

1 “(A) identification and characterization of
2 undocumented orphaned wells on State, Tribal,
3 and private lands;

4 “(B) ranking orphaned or abandoned well
5 sites based on factors such as public health and
6 safety, potential environmental harm, and other
7 land use priorities;

8 “(C) administration of a State or Tribal
9 orphaned well closure program, provided that
10 no more than 10 percent of the funds received
11 by a State or Tribe under this subsection may
12 be used for this purpose; and

13 “(D) making information regarding the
14 use of funds under this subsection available to
15 the public.

16 “(3) PRIORITY.—In providing grants under this
17 subsection, the Secretary shall give priority to—

18 “(A) States and Tribes that have an estab-
19 lished State or Tribal program for the remedi-
20 ation, reclamation, or closure of abandoned,
21 idled, or orphaned oil and gas wells; and

22 “(B) States and Tribes that require com-
23 panies to provide financial assurances prior to
24 drilling a well equal to the estimated full cost
25 of well closure and land remediation.

1 “(4) APPLICATION.—States and Tribes shall be
2 eligible for grants under this subsection upon appli-
3 cation to the Secretary of the Interior. Such applica-
4 tion shall include—

5 “(A) a prioritized list of the wells, well
6 sites, and affected areas that will be remedi-
7 ated, reclaimed, or closed;

8 “(B) a description of the activities to be
9 carried out with the grant, including an identi-
10 fication of the estimated health, safety, habitat,
11 and environmental benefits of remediating, re-
12 claiming, or closing each well, well site, or af-
13 fected area;

14 “(C) an estimate of the cost of each pro-
15 posed project;

16 “(D) an estimate of the number of jobs
17 that will be created or saved through the
18 projects to be funded under this subsection;

19 “(E) an estimate of the funds to be spent
20 on administrative costs; and

21 “(F) a description of how the information
22 regarding the State’s or Tribe’s activities under
23 this subsection will be made available to the
24 public.

1 “(5) ALLOCATION.—The Secretary shall, in
2 consultation with States, affected Tribes, and the
3 Interstate Oil and Gas Compact Commission, de-
4 velop a formula for the amount of grant funding
5 each State or Tribe is eligible for under this sub-
6 section, taking into account—

7 “(A) the number of documented orphaned
8 wells within the State or on each Tribe’s lands;

9 “(B) the estimated number of undocu-
10 mented orphaned wells within the State or on
11 each Tribe’s lands; and

12 “(C) the amount of oil and gas activity
13 within the State or on Tribal lands in the pre-
14 vious 10 years.

15 “(e) TECHNICAL ASSISTANCE.—The Secretary of
16 Energy, in cooperation with the Secretary, shall establish
17 a program to provide technical assistance to oil and gas
18 producing States and Tribes to ensure practical and eco-
19 nomical remedies for environmental problems caused by
20 orphaned or abandoned oil and gas well sites on State,
21 Tribal, or private land.

22 “(f) REPORT TO CONGRESS.—Not later than 1 year
23 after the date of enactment of this section, and every year
24 thereafter, the Secretary shall submit to Congress a report
25 on the programs established under this section.

1 “(g) DEFINITIONS.—As used in this subsection—

2 “(1) ORPHANED WELL.—The term ‘orphaned
3 well’ means any well not in operation for which there
4 is no responsible party known to the Secretary to re-
5 claim and remediate or close the well site; and

6 “(2) RESPONSIBLE PARTY.—The term ‘respon-
7 sible party’ includes any person, association, cor-
8 poration, subsidiary, or affiliate that directly or indi-
9 rectly, controls, manages, directs, or undertakes the
10 activities with respect to an oil and gas lease or any
11 person or entity controlled by, or under common
12 control with, such person or entity.

13 “(h) APPROPRIATIONS.—There are authorized to be
14 appropriated to the Secretary of the Interior for each of
15 fiscal years 2020 through 2024—

16 “(1) \$50,000,000 to carry out the program
17 under subsection (a); and

18 “(2) \$350,000,000 to carry out the program
19 under subsection (d).”.

20 **SEC. 84102. FEDERAL BONDING REFORM.**

21 Section 17(g) of the Mineral Leasing Act (30 U.S.C.
22 226(g)) is amended to read as follows:

23 “(g) BONDING REQUIREMENTS.—

24 “(1) DEFINITIONS.—In this subsection:

1 “(A) INTERIM RECLAMATION PLAN.—The
2 term ‘Interim Reclamation Plan’ means an on-
3 going plan specifying reclamation steps to be
4 taken on all disturbed areas covered by any
5 lease issued under this Act that are not needed
6 for active operations.

7 “(B) FINAL RECLAMATION PLAN.—The
8 term ‘Final Reclamation Plan’ means a plan
9 describing all reclamation activity to be con-
10 ducted for all disturbed areas, including loca-
11 tions, facilities, trenches, rights-of-way, roads,
12 and any other surface disturbance covered by a
13 lease issued under this Act prior to final aban-
14 donment.

15 “(2) IN GENERAL.—The Secretary of the Inte-
16 rior, or with respect to National Forest lands, the
17 Secretary of Agriculture, shall regulate all surface-
18 disturbing activities conducted pursuant to any lease
19 issued under this Act, and shall determine reclama-
20 tion and other actions as required in the interest of
21 conservation of surface resources.

22 “(3) RECLAMATION PLANS REQUIRED.—

23 “(A) ANALYSIS AND APPROVAL RE-
24 QUIRED.—No permit to drill on an oil and gas
25 lease issued under this Act may be granted

1 without the analysis and approval by the Sec-
2 retary concerned of both an interim reclamation
3 plan and a final reclamation plan covering pro-
4 posed surface-disturbing activities within the
5 lease area.

6 “(B) PLANS OF OPERATIONS.—All Plans
7 of Operations submitted and approved pursuant
8 to this Act shall include an Interim Reclama-
9 tion Plan.

10 “(C) SECRETARIAL REVIEW.—The relevant
11 Secretary shall review each Interim Reclama-
12 tion Plan at regular intervals and shall require
13 such plans to be amended as warranted, subject
14 to the approval of such Secretary.

15 “(4) BONDING.—

16 “(A) IN GENERAL.—The Secretary con-
17 cerned shall, by regulation, require that an ade-
18 quate bond, surety, or other financial arrange-
19 ment will be established prior to the commence-
20 ment of surface-disturbing activities on any
21 lease, to ensure the complete and timely rec-
22 lamation of the lease tract, and the restoration
23 of any lands or surface waters adversely af-
24 fected by lease operations after the abandon-

1 ment or cessation of oil and gas operations on
2 the lease.

3 “(B) PROHIBITION.—The Secretary shall
4 not issue or approve the assignment of any
5 lease under the terms of this section to any per-
6 son, association, corporation, or any subsidiary,
7 affiliate, or person controlled by or under com-
8 mon control with such person, association, or
9 corporation, during any period in which, as de-
10 termined by the relevant Secretary, such entity
11 has failed or refused to comply in any material
12 respect with the reclamation requirements and
13 other standards established under this section
14 for any prior lease to which such requirements
15 and standards applied.

16 “(C) NOTICE AND OPPORTUNITY FOR COM-
17 PLIANCE.—Prior to making such determination
18 with respect to any such entity the concerned
19 Secretary shall provide such entity with ade-
20 quate notification and an opportunity to comply
21 with such reclamation requirements and other
22 standards and shall consider whether any ad-
23 ministrative or judicial appeal is pending. Once
24 the entity has complied with the reclamation re-
25 quirement or other standard concerned an oil or

1 gas lease may be issued to such entity under
2 this Act.

3 “(D) LIMITATION ON BONDS.—A bond,
4 surety, or other financial arrangement described
5 in subparagraph (A) shall not be adequate if it
6 is less than—

7 “(i) \$50,000 in the case of an ar-
8 rangement for an individual surface-dis-
9 turbing activity of an entity;

10 “(ii) \$250,000 in the case of an ar-
11 rangement for all surface-disturbing activi-
12 ties of an entity in a State; or

13 “(iii) \$1,000,000 in the case of an ar-
14 rangement for all surface-disturbing activi-
15 ties of an entity in the United States.

16 “(E) ADJUSTMENTS FOR INFLATION.—In
17 the application of subparagraph (B), the Secre-
18 taries concerned shall jointly at least once every
19 three years adjust the dollar amounts in sub-
20 paragraph (B) to account for inflation based on
21 the Consumer Price Index for all urban con-
22 sumer published by the Department of Labor.

23 “(5) STANDARDS.—The Secretary of the Inte-
24 rior and the Secretary of Agriculture shall, by regu-
25 lation, establish uniform standards for all Interim

1 and Final Reclamation Plans. The goal of such
2 plans shall be the restoration of the affected eco-
3 system to a condition approximating or equal to that
4 which existed prior to the surface disturbance. Such
5 standards shall include restoration of natural vegeta-
6 tion and hydrology, habitat restoration, salvage,
7 storage and reuse of topsoils, erosion control, control
8 of invasive species and noxious weeds and natural
9 contouring.

10 “(6) MONITORING.—The Secretary concerned
11 shall not approve final abandonment and shall not
12 release any bond required by this Act until the
13 standards and requirement for final reclamation es-
14 tablished pursuant to this Act have been met.”.

15 **Subtitle B—Surface Mining Control**
16 **and Reclamation Act Amendments**

17 **SEC. 84201. ABANDONED MINE LAND RECLAMATION FUND.**

18 Section 401(f)(2) of the Surface Mining Control and
19 Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is
20 amended—

21 (1) in subparagraph (A)—

22 (A) in the heading, by striking “2022” and
23 inserting “2037”; and

24 (B) by striking “2022” and inserting
25 “2037”; and

1 (2) in subparagraph (B)—

2 (A) in the heading, by striking “2023” and
3 inserting “2038”;

4 (B) by striking “2023” and inserting
5 “2038”; and

6 (C) by striking “2022” and inserting
7 “2037”.

8 **SEC. 84202. EMERGENCY POWERS.**

9 (a) STATE RECLAMATION PROGRAM.—Section
10 405(d) of the Surface Mining Control and Reclamation
11 Act of 1977 (30 U.S.C. 1235(d)) is amended by striking
12 “sections 402 and 410 excepted” and inserting “section
13 402 excepted”.

14 (b) DELEGATION.—Section 410 of the Surface Min-
15 ing Control and Reclamation Act of 1977 (30 U.S.C.
16 1240) is amended—

17 (1) in subsection (a), by inserting “, including
18 through reimbursement to a State or Tribal Govern-
19 ment described in subsection (c),” after “moneys”;
20 and

21 (2) by adding at the end the following:

22 “(c) STATE OR TRIBAL GOVERNMENT.—A State or
23 Tribal Government is eligible to receive reimbursement
24 from the Secretary under subsection (a) if such State or
25 Tribal Government has submitted, and the Secretary has

1 approved, an Abandoned Mine Land Emergency Program
2 as part of an approved State or Tribal Reclamation Plan
3 under section 405.”.

4 **SEC. 84203. RECLAMATION FEE.**

5 (a) DURATION.—Effective 90 days after the date of
6 enactment of this Act, section 402(b) of the Surface Min-
7 ing Control and Reclamation Act of 1977 (30 U.S.C.
8 1232(b)) is amended by striking “September 30, 2021”
9 and inserting “September 30, 2036”.

10 (b) ALLOCATION OF FUNDS.—Effective September
11 30, 2020, section 402(g) of the Surface Mining Control
12 and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is
13 amended—

14 (1) in paragraph (6)(A), by striking “para-
15 graphs (1) and (5)” inserting “paragraphs (1), (5),
16 and (8)”;

17 (2) in paragraph (8)(A), by striking
18 “\$3,000,000” and inserting “\$5,000,000”; and

19 (3) by adding at the end the following:

20 “(9) From amounts withheld pursuant to the Budget
21 Control Act of 2011 (2 U.S.C. 901(a)) from payments to
22 States under title IV of the Surface Mining Control and
23 Reclamation Act (30 U.S.C. 1232(g)) during fiscal years
24 2013 through 2018, the Secretary shall distribute for fis-

1 cal year 2020 an amount to each State equal to the total
2 amount so withheld.”.

3 **Subtitle C—Revitalizing the Econ-**
4 **omy of Coal Communities by**
5 **Leveraging Local Activities and**
6 **Investing More**

7 **SEC. 84301. ECONOMIC REVITALIZATION FOR COAL COUN-**
8 **TRY.**

9 (a) IN GENERAL.—Title IV of the Surface Mining
10 Control and Reclamation Act of 1977 (30 U.S.C. 1231
11 et seq.) is amended by adding at the end the following:

12 **“SEC. 416. ABANDONED MINE LAND ECONOMIC REVITAL-**
13 **IZATION.**

14 “(a) PURPOSE.—The purpose of this section is to
15 promote economic revitalization, diversification, and devel-
16 opment in economically distressed mining communities
17 through the reclamation and restoration of land and water
18 resources adversely affected by coal mining carried out be-
19 fore August 3, 1977.

20 “(b) IN GENERAL.—From amounts deposited into
21 the fund under section 401(b) before October 1, 2007,
22 \$200,000,000 shall be made available to the Secretary,
23 subject to appropriation, for each of fiscal years 2021
24 through 2025 for distribution to States and Indian tribes
25 in accordance with this section for reclamation and res-

1 toration projects at sites identified as priorities under sec-
2 tion 403(a).

3 “(c) USE OF FUNDS.—Funds distributed to a State
4 or Indian tribe under subsection (d) shall be used only
5 for projects classified under the priorities of section 403(a)
6 that meet the following criteria:

7 “(1) CONTRIBUTION TO FUTURE ECONOMIC OR
8 COMMUNITY DEVELOPMENT.—

9 “(A) IN GENERAL.—The project, upon
10 completion of reclamation, is intended to create
11 favorable conditions for the economic develop-
12 ment of the project site or create favorable con-
13 ditions that promote the general welfare
14 through economic and community development
15 of the area in which the project is conducted.

16 “(B) DEMONSTRATION OF CONDITIONS.—
17 Such conditions are demonstrated by—

18 “(i) documentation of the role of the
19 project in such area’s economic develop-
20 ment strategy or other economic and com-
21 munity development planning process;

22 “(ii) any other documentation of the
23 planned economic and community use of
24 the project site after the primary reclama-
25 tion activities are completed, which may in-

1 clude contracts, agreements in principle, or
2 other evidence that, once reclaimed, the
3 site is reasonably anticipated to be used
4 for one or more industrial, commercial,
5 residential, agricultural, or recreational
6 purposes; or

7 “(iii) any other documentation agreed
8 to by the State or Indian tribe that dem-
9 onstrates the project will meet the criteria
10 set forth in this subsection.

11 “(2) LOCATION IN ECONOMICALLY DISTRESSED
12 COMMUNITY AFFECTED BY RECENT DECLINE IN
13 MINING.—

14 “(A) IN GENERAL.—The project will be
15 conducted in a community—

16 “(i) that has been adversely affected
17 economically by a recent reduction in coal
18 mining related activity, as demonstrated by
19 employment data, per capita income, or
20 other indicators of economic distress; or

21 “(ii)(I) that has historically relied on
22 coal mining for a substantial portion of its
23 economy; and

1 “(II) in which the economic contribu-
2 tion of coal mining has significantly de-
3 clined.

4 “(B) SUBMISSION AND PUBLICATION OF
5 EVIDENCE OR ANALYSIS.—Any evidence or
6 analysis relied upon in selecting the location of
7 a project under this subparagraph shall be sub-
8 mitted to the Secretary for publication. The
9 Secretary shall publish such evidence or anal-
10 ysis in the Federal Register within 30 days
11 after receiving such submission.

12 “(3) STAKEHOLDER COLLABORATION.—

13 “(A) IN GENERAL.—The project has been
14 the subject of project planning under subsection
15 (g) and has been the focus of collaboration, in-
16 cluding partnerships, as appropriate, with inter-
17 ested persons or local organizations.

18 “(B) PUBLIC NOTICE.—As part of project
19 planning—

20 “(i) the public has been notified of the
21 project and has been given an opportunity
22 to comment at a public meeting convened
23 in a community near the proposed project
24 site; and

1 “(ii) the State or Indian tribe pub-
2 lished notice of such meetings in local
3 newspapers of general circulation, on the
4 Internet, and by any other means consid-
5 ered desirable by the Secretary.

6 “(C) ELECTRONIC NOTIFICATION.—The
7 State or Indian tribe established a way for in-
8 terested persons to receive electronically all
9 public notices issued under subparagraph (B)
10 and any written declarations submitted to the
11 Secretary under paragraph (5).

12 “(4) ELIGIBLE APPLICANTS.—The project has
13 been proposed by entities of State, local, county, or
14 tribal governments, or local organizations, and will
15 be approved and executed by State or tribal pro-
16 grams, approved under section 405 or referred to in
17 section 402(g)(8)(B), which may include subcon-
18 tracting project-related activities, as appropriate.

19 “(5) WAIVER.—If the State or Indian tribe—
20 “(A) cannot provide documentation de-
21 scribed in paragraph (1)(B) for a project con-
22 ducted under a priority stated in paragraph (1)
23 or (2) of section 403(a), or

24 “(B) is unable to meet the requirements
25 under paragraph (2),

1 the State or Indian tribe shall submit a written dec-
2 laration to the Secretary requesting an exemption
3 from the requirements of those subparagraphs. The
4 declaration must explain why achieving favorable
5 conditions for economic or community development
6 at the project site is not practicable, or why the re-
7 quirements of paragraph (2) cannot be met, and
8 that sufficient funds distributed annually under sec-
9 tion 401 are not available to implement the project.
10 Such request for an exemption is deemed to be ap-
11 proved, except the Secretary shall deny such request
12 if the Secretary determines the declaration to be
13 substantially inadequate. Any denial of such request
14 shall be resolved at the State's or Indian tribe's re-
15 quest through the procedures described in subsection
16 (e).

17 “(d) DISTRIBUTION OF FUNDS.—

18 “(1) UNCERTIFIED STATES.—

19 “(A) IN GENERAL.—From the amount
20 made available in subsection (b), the Secretary
21 shall distribute 97.5 percent annually for each
22 of fiscal years 2021 through 2025 to States and
23 Indian tribes that have a State or tribal pro-
24 gram approved under section 405 or are re-
25 ferred to in section 402(g)(8)(B), and have not

1 made a certification under section 411(a) in
2 which the Secretary has concurred, as follows:

3 “(i) Four-fifths of such amount shall
4 be distributed based on the proportion of
5 the amount of coal historically produced in
6 each State or from the lands of each In-
7 dian tribe concerned before August 3,
8 1977.

9 “(ii) One-fifth of such amount shall be
10 distributed based on the proportion of rec-
11 lamation fees paid during the period of fis-
12 cal years 2012 through 2016 for lands in
13 each State or lands of each Indian tribe
14 concerned.

15 “(B) SUPPLEMENTAL FUNDS.—Funds dis-
16 tributed under this section—

17 “(i) shall be in addition to, and shall
18 not affect, the amount of funds distrib-
19 uted—

20 “(I) to States and Indian tribes
21 under section 401(f); and

22 “(II) to States and Indian tribes
23 that have made a certification under
24 section 411(a) in which the Secretary

1 has concurred, subject to the cap de-
2 scribed in section 402(i)(3); and

3 “(ii) shall not reduce any funds dis-
4 tributed to a State or Indian tribe by rea-
5 son of the application of section 402(g)(8).

6 “(2) ADDITIONAL FUNDING TO CERTAIN
7 STATES AND INDIAN TRIBES.—

8 “(A) ELIGIBILITY.—From the amount
9 made available in subsection (b), the Secretary
10 shall distribute 2.5 percent annually for each of
11 the five fiscal years beginning with fiscal year
12 2021 to States and Indian tribes that have a
13 State program approved under section 405 and
14 have made a certification under section 411(a)
15 in which the Secretary has concurred.

16 “(B) APPLICATION FOR FUNDS.—Using
17 the process in section 405(f), any State or In-
18 dian tribe described in subparagraph (A) may
19 submit a grant application to the Secretary for
20 funds under this paragraph. The Secretary
21 shall review each grant application to confirm
22 that the projects identified in the application
23 for funding are eligible under subsection (c).

24 “(C) DISTRIBUTION OF FUNDS.—The
25 amount of funds distributed to each State or

1 Indian tribe under this paragraph shall be de-
2 termined by the Secretary based on the dem-
3 onstrated need for the funding to accomplish
4 the purpose of this section.

5 “(3) REALLOCATION OF UNCOMMITTED
6 FUNDS.—

7 “(A) COMMITTED DEFINED.—For pur-
8 poses of this paragraph the term ‘committed’—

9 “(i) means that funds received by the
10 State or Indian tribe—

11 “(I) have been exclusively applied
12 to or reserved for a specific project
13 and therefore are not available for any
14 other purpose; or

15 “(II) have been expended or des-
16 igned by the State or Indian tribe
17 for the completion of a project;

18 “(ii) includes use of any amount for
19 project planning under subsection (g); and

20 “(iii) reflects an acknowledgment by
21 Congress that, based on the documentation
22 required under subsection (c)(2)(B), any
23 unanticipated delays to commit such funds
24 that are outside the control of the State or

1 Indian tribe concerned shall not affect its
2 allocations under this section.

3 “(B) FISCAL YEARS 2024 AND 2025.—For
4 each of fiscal years 2024 and 2025, the Sec-
5 retary shall reallocate in accordance with sub-
6 paragraph (D) any amount available for dis-
7 tribution under this subsection that has not
8 been committed to eligible projects in the pre-
9 ceding 2 fiscal years, among the States and In-
10 dian tribes that have committed to eligible
11 projects the full amount of their annual alloca-
12 tion for the preceding fiscal year.

13 “(C) FISCAL YEAR 2026.—For fiscal year
14 2026, the Secretary shall reallocate in accord-
15 ance with subparagraph (D) any amount avail-
16 able for distribution under this subsection that
17 has not been committed to eligible projects or
18 distributed under paragraph (1)(A), among the
19 States and Indian tribes that have committed to
20 eligible projects the full amount of their annual
21 allocation for the preceding fiscal years.

22 “(D) AMOUNT OF REALLOCATION.—The
23 amount reallocated to each State or Indian
24 tribe under each of subparagraphs (B) and (C)

1 shall be determined by the Secretary to reflect,
2 to the extent practicable—

3 “(i) the proportion of unreclaimed eli-
4 gible lands and waters the State or Indian
5 tribe has in the inventory maintained
6 under section 403(c);

7 “(ii) the average of the proportion of
8 reclamation fees paid for lands in each
9 State or lands of each Indian tribe con-
10 cerned; and

11 “(iii) the proportion of coal mining
12 employment loss incurred in the State or
13 on lands of the Indian tribe, respectively,
14 as determined by the Mine Safety and
15 Health Administration, over the 5-year pe-
16 riod preceding the fiscal year for which the
17 reallocation is made.

18 “(e) RESOLUTION OF SECRETARY’S CONCERNS; CON-
19 GRESSIONAL NOTIFICATION.—If the Secretary does not
20 agree with a State or Indian tribe that a proposed project
21 meets the criteria set forth in subsection (c)—

22 “(1) the Secretary and the State or tribe shall
23 meet and confer for a period of not more than 45
24 days to resolve the Secretary’s concerns, except that

1 such period may be shortened by the Secretary if the
2 Secretary's concerns are resolved;

3 “(2) during that period, at the State's or In-
4 dian tribe's request, the Secretary may consult with
5 any appropriate Federal agency; and

6 “(3) at the end of that period, if the Secretary's
7 concerns are not resolved the Secretary shall provide
8 to the Committee on Natural Resources of the
9 House of Representatives and the Committee on En-
10 ergy and Natural Resources of the Senate an expla-
11 nation of the concerns and such project proposal
12 shall not be eligible for funds distributed under this
13 section.

14 “(f) ACID MINE DRAINAGE TREATMENT.—

15 “(1) IN GENERAL.—Subject to paragraph (2), a
16 State or Indian tribe that receives funds under this
17 section may use up to 30 percent of such funds as
18 necessary to supplement the State's or tribe's acid
19 mine drainage abatement and treatment fund estab-
20 lished under section 402(g)(6)(A), for future oper-
21 ation and maintenance costs for the treatment of
22 acid mine drainage associated with the individual
23 projects funded under this section. A State or Indian
24 tribe shall specify the total funds allotted for such

1 costs in its application submitted under subsection
2 (d)(2)(B).

3 “(2) CONDITION.—A State or Indian tribe may
4 use funds under this subsection only if the State or
5 tribe can demonstrate that the annual grant distrib-
6 uted to the State or tribe pursuant to section 401(f),
7 including any interest from the State’s or tribe’s
8 acid mine drainage abatement and treatment fund
9 that is not used for the operation or maintenance of
10 preexisting acid mine drainage treatment systems, is
11 insufficient to fund the operation and maintenance
12 of any acid mine drainage treatment system associ-
13 ated with an individual project funded under this
14 section.

15 “(g) PROJECT PLANNING AND ADMINISTRATION.—

16 “(1) STATES AND INDIAN TRIBES.—

17 “(A) IN GENERAL.—A State or Indian
18 tribe may use up to 10 percent of its annual
19 distribution under this section for project plan-
20 ning and the costs of administering this section.

21 “(B) PLANNING REQUIREMENTS.—Plan-
22 ning under this paragraph may include—

23 “(i) identifying eligible projects;

24 “(ii) updating the inventory referred
25 to in section 403(c);

- 1 “(iii) developing project designs;
2 “(iv) collaborating with stakeholders,
3 including public meetings;
4 “(v) preparing cost estimates; or
5 “(vi) engaging in other similar activi-
6 ties necessary to facilitate reclamation ac-
7 tivities under this section.

8 “(2) SECRETARY.—The Secretary may expend,
9 from amounts made available to the Secretary under
10 section 402(g)(3)(D), not more than \$3,000,000
11 during the fiscal years for which distributions occur
12 under subsection (b) for staffing and other adminis-
13 trative expenses necessary to carry out this section.

14 “(h) REPORT TO CONGRESS.—The Secretary shall
15 provide to the Committee on Natural Resources of the
16 House of Representatives, the Committees on Appropria-
17 tions of the House of Representatives and the Senate, and
18 the Committee on Energy and Natural Resources of the
19 Senate at the end of each fiscal year for which such funds
20 are distributed a detailed report—

21 “(1) on the various projects that have been un-
22 dertaken with such funds;

23 “(2) the extent and degree of reclamation using
24 such funds that achieved the priorities described in
25 paragraph (1) or (2) of section 403(a);

1 “(3) the community and economic benefits that
2 are resulting from, or are expected to result from,
3 the use of the funds that achieved the priorities de-
4 scribed in paragraph (3) of section 403(a); and

5 “(4) the reduction since the previous report in
6 the inventory referred to in section 403(c).

7 “(i) PROHIBITION ON CERTAIN USE OF FUNDS.—
8 Any State or Indian tribe that uses the funds distributed
9 under this section for purposes other than reclamation or
10 drainage abatement expenditures, as made eligible by sec-
11 tion 404, and for the purposes authorized under sub-
12 sections (f) and (g), shall be barred from receiving any
13 subsequent funding under this section.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in the first section of the Surface Mining Control and Rec-
16 lamation Act of 1977 is amended by adding at the end
17 of the items relating to title IV the following:

 “Sec. 416. Abandoned mine land economic revitalization.”.

18 **SEC. 84302. TECHNICAL AND CONFORMING AMENDMENTS.**

19 The Surface Mining Control and Reclamation Act of
20 1977 is amended—

21 (1) in section 401(c) (30 U.S.C. 1231(c)), by
22 striking “and” after the semicolon at the end of
23 paragraph (10), by redesignating paragraph (11) as
24 paragraph (12), and by inserting after paragraph
25 (10) the following:

1 “(11) to implement section 416; and”;

2 (2) in section 401(d)(3) (30 U.S.C.
3 1231(d)(3)), by striking “subsection (f)” and insert-
4 ing “subsection (f) and section 416(a)”;

5 (3) in section 402(g) (30 U.S.C. 1232(g))—

6 (A) in paragraph (1), by inserting “and
7 section 416” after “subsection (h)”;

8 (B) by adding at the end of paragraph (3)
9 the following:

10 “(F) For the purpose of section
11 416(d)(2)(A).”; and

12 (4) in section 403(e) (30 U.S.C. 1233(e)), by
13 inserting after the second sentence the following:
14 “As practicable, States and Indian tribes shall offer
15 such amendments based on the use of remote sens-
16 ing, global positioning systems, and other advanced
17 technologies.”.

18 **SEC. 84303. MINIMUM STATE PAYMENTS.**

19 Section 402(g)(8)(A) of the Surface Mining Control
20 and Reclamation Act of 1977 (30 U.S.C. 1232(g)(8)) is
21 amended by striking “\$3,000,000” and inserting
22 “\$5,000,000”.

23 **SEC. 84304. GAO STUDY OF USE OF FUNDS.**

24 Not later than two years after the date of the enact-
25 ment of this Act, the Comptroller General of the United

1 States shall study and report to the Congress on uses of
2 funds authorized by this subtitle, including regarding—

3 (1) the solvency of the Abandoned Mine Rec-
4 lamation Fund; and

5 (2) the impact of such use on payments and
6 transfers under the Surface Mining Control and
7 Reclamation Act of 1977 (30 U.S.C. 1201) to—

8 (A) States for which a certification has
9 been made under section 411 of such Act (30
10 U.S.C. 1241);

11 (B) States for which such a certification
12 has not been made; and

13 (C) transfers to United Mine Workers of
14 America Combined Benefit Fund.

15 **SEC. 84305. PAYMENTS TO CERTIFIED STATES NOT AF-**
16 **FECTED.**

17 Nothing in this subtitle shall be construed to reduce
18 or otherwise affect payments under section 402(g) of the
19 Surface Mining Reclamation and Control Act of 1977 (30
20 U.S.C. 1232(g)) to States that have made a certification
21 under section 411(a) of such Act (30 U.S.C. 1240a(a))
22 in which the Secretary of the Interior has concurred.

1 **Subtitle D—Public Land**
2 **Renewable Energy Development**

3 **SEC. 84401. DEFINITIONS.**

4 In this subtitle:

5 (1) COVERED LAND.—The term “covered land”
6 means land that is—

7 (A) public lands administered by the Sec-
8 retary; and

9 (B) not excluded from the development of
10 geothermal, solar, or wind energy under—

11 (i) a land use plan established under
12 the Federal Land Policy and Management
13 Act of 1976 (43 U.S.C. 1701 et seq.); or

14 (ii) other Federal law.

15 (2) EXCLUSION AREA.—The term “exclusion
16 area” means covered land that is identified by the
17 Bureau of Land Management as not suitable for de-
18 velopment of renewable energy projects.

19 (3) FEDERAL LAND.—The term “Federal land”
20 means public lands.

21 (4) FUND.—The term “Fund” means the Re-
22 newable Energy Resource Conservation Fund estab-
23 lished by section 84408(c)(1).

24 (5) PRIORITY AREA.—The term “priority area”
25 means covered land identified by the land use plan-

1 ning process of the Bureau of Land Management as
2 being a preferred location for a renewable energy
3 project, including a designated leasing area (as de-
4 fined in section 2801.5(b) of title 43, Code of Fed-
5 eral Regulations (or a successor regulation)) that is
6 identified under the rule of the Bureau of Land
7 Management entitled “Competitive Processes,
8 Terms, and Conditions for Leasing Public Lands for
9 Solar and Wind Energy Development and Technical
10 Changes and Corrections” (81 Fed. Reg. 92122
11 (December 19, 2016)) (or a successor regulation).

12 (6) PUBLIC LANDS.—The term “public lands”
13 has the meaning given that term in section 103 of
14 the Federal Land Policy and Management Act of
15 1976 (43 U.S.C. 1702).

16 (7) RENEWABLE ENERGY PROJECT.—The term
17 “renewable energy project” means a project carried
18 out on covered land that uses wind, solar, or geo-
19 thermal energy to generate energy.

20 (8) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (9) VARIANCE AREA.—The term “variance
23 area” means covered land that is—

24 (A) not an exclusion area;

25 (B) not a priority area; and

1 (C) identified by the Secretary as poten-
2 tially available for renewable energy develop-
3 ment and could be approved without a plan
4 amendment, consistent with the principles of
5 multiple use (as that term is defined in the
6 Federal Land Policy and Management Act of
7 1976 (43 U.S.C. 1701 et seq.)).

8 **SEC. 84402. LAND USE PLANNING; SUPPLEMENTS TO PRO-**
9 **GRAMMATIC ENVIRONMENTAL IMPACT**
10 **STATEMENTS.**

11 (a) PRIORITY AREAS.—

12 (1) IN GENERAL.—The Secretary, in consulta-
13 tion with the Secretary of Energy, shall establish
14 priority areas on covered land for geothermal, solar,
15 and wind energy projects. Projects located in those
16 priority areas shall be given the highest priority for
17 review, and shall be offered the opportunity to par-
18 ticipate in any regional mitigation plan developed for
19 the relevant priority areas.

20 (2) DEADLINE.—

21 (A) GEOTHERMAL ENERGY.—For geo-
22 thermal energy, the Secretary shall establish
23 priority areas as soon as practicable, but not
24 later than 5 years, after the date of the enact-
25 ment of this Act.

1 (B) SOLAR ENERGY.—For solar energy,
2 solar Designated Leasing Areas, including the
3 solar energy zones established by the 2012
4 western solar plan of the Bureau of Land Man-
5 agement and any subsequent land use plan
6 amendments, shall be considered to be priority
7 areas for solar energy projects. The Secretary
8 shall establish additional solar priority areas as
9 soon as practicable, but not later than 3 years,
10 after the date of the enactment of this Act.

11 (C) WIND ENERGY.—For wind energy, the
12 Secretary shall establish additional wind pri-
13 ority areas as soon as practicable, but not later
14 than 3 years, after the date of the enactment
15 of this Act.

16 (b) VARIANCE AREAS.—To the maximum extent
17 practicable, variance areas shall be considered for renew-
18 able energy project development, consistent with the prin-
19 ciples of multiple use (as defined in the Federal Land Pol-
20 icy and Management Act of 1976 (43 U.S.C. 1701 et
21 seq.)).

22 (c) REVIEW AND MODIFICATION.—Not less than once
23 every 5 years, the Secretary shall—

24 (1) review the adequacy of land allocations for
25 geothermal, solar, and wind energy priority and vari-

1 ance areas for the purpose of encouraging new re-
2 newable energy development opportunities; and

3 (2) based on the review carried out under para-
4 graph (1), add, modify, or eliminate priority, vari-
5 ance, and exclusion areas.

6 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-
7 MENTAL POLICY ACT.—For purposes of this section, com-
8 pliance with the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

10 (1) for geothermal energy, by supplementing
11 the October 2008 final programmatic environmental
12 impact statement for geothermal leasing in the
13 Western United States and incorporating any addi-
14 tional regional analyses that have been completed by
15 Federal agencies since the programmatic environ-
16 mental impact statement was finalized;

17 (2) for solar energy, by supplementing the July
18 2012 final programmatic environmental impact
19 statement for solar energy development and incor-
20 porating any additional regional analyses that have
21 been completed by Federal agencies since the pro-
22 grammatic environmental impact statement was fi-
23 nalized; and

24 (3) for wind energy, by supplementing the July
25 2005 final programmatic environmental impact

1 statement for wind energy development and incor-
2 porating any additional regional analyses that have
3 been completed by Federal agencies since the pro-
4 grammatic environmental impact statement was fi-
5 nalized.

6 (e) NO EFFECT ON PROCESSING APPLICATIONS.—
7 Any requirements to prepare a supplement to a pro-
8 grammatic environmental impact statement under this
9 section shall not result in any delay in processing a pend-
10 ing application for a renewable energy project.

11 (f) COORDINATION.—In developing a supplement re-
12 quired by this section, the Secretary shall coordinate, on
13 an ongoing basis, with appropriate State, Tribal, and local
14 governments, transmission infrastructure owners and op-
15 erators, developers, and other appropriate entities to en-
16 sure that priority areas identified by the Secretary are—

17 (1) economically viable (including having access
18 to existing and/or planned transmission lines);

19 (2) likely to avoid or minimize impacts to habi-
20 tat for animals and plants, recreation, cultural re-
21 sources, and other uses of covered land; and

22 (3) consistent with section 202 of the Federal
23 Land Policy and Management Act of 1976 (43
24 U.S.C. 1712), including subsection (c)(9) of that
25 section (43 U.S.C. 1712(c)(9)).

1 **SEC. 84403. ENVIRONMENTAL REVIEW ON COVERED LAND.**

2 (a) IN GENERAL.—If the Secretary determines that
3 a proposed renewable energy project has been sufficiently
4 analyzed by a programmatic environmental impact state-
5 ment conducted under section 84402(d), the Secretary
6 shall not require any additional review under the National
7 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
8 seq.). The Secretary shall publish any such project deter-
9 minations on a publicly available website.

10 (b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the
11 Secretary determines that additional environmental review
12 under the National Environmental Policy Act of 1969 (42
13 U.S.C. 4321 et seq.) is necessary for a proposed renewable
14 energy project, the Secretary shall rely on the analysis in
15 the programmatic environmental impact statement con-
16 ducted under section 84402(d), to the maximum extent
17 practicable when analyzing the potential impacts of the
18 project.

19 (c) RELATIONSHIP TO OTHER LAW.—Nothing in this
20 section modifies or supersedes any requirement under ap-
21 plicable law.

22 **SEC. 84404. PROGRAM TO IMPROVE RENEWABLE ENERGY**
23 **PROJECT PERMIT COORDINATION.**

24 (a) ESTABLISHMENT.—The Secretary shall establish
25 a national Renewable Energy Coordination Office and
26 State, district, or field offices with responsibility to estab-

1 lish and implement a program to improve Federal permit
2 coordination with respect to renewable energy projects on
3 covered land and other activities deemed necessary by the
4 Secretary. In carrying out the program, the Secretary may
5 temporarily assign qualified staff to Renewable Energy
6 Coordination Offices to expedite the permitting of renew-
7 able energy projects.

8 (b) MEMORANDUM OF UNDERSTANDING.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary shall enter into a memorandum of under-
12 standing for purposes of this section, including to
13 specifically expedite the environmental analysis of
14 applications for projects proposed in a variance area
15 or a priority area, with the Secretary of Defense.

16 (2) STATE AND TRIBAL PARTICIPATION.—The
17 Secretary may request the Governor of any inter-
18 ested State or any Tribal leader of any interested
19 Indian Tribe (as defined in section 4 of the Indian
20 Self-Determination and Education Assistance Act
21 (25 U.S.C. 5304)) to be a signatory to the memo-
22 randum of understanding under paragraph (1).

23 (c) DESIGNATION OF QUALIFIED STAFF.—

24 (1) IN GENERAL.—Not later than 30 days after
25 the date on which the memorandum of under-

1 standing under subsection (b) is executed, all Fed-
2 eral signatories, as appropriate, shall identify for
3 each of the Bureau of Land Management Renewable
4 Energy Coordination Offices one or more employees
5 who have expertise in the regulatory issues relating
6 to the office in which the employee is employed, in-
7 cluding, as applicable, particular expertise in—

8 (A) consultation regarding, and prepara-
9 tion of, biological opinions under section 7 of
10 the Endangered Species Act of 1973 (16 U.S.C.
11 1536);

12 (B) permits under section 404 of the Fed-
13 eral Water Pollution Control Act (33 U.S.C.
14 1344);

15 (C) regulatory matters under the Clean Air
16 Act (42 U.S.C. 7401 et seq.);

17 (D) the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1701 et seq.);

19 (E) the Migratory Bird Treaty Act (16
20 U.S.C. 703 et seq.);

21 (F) the preparation of analyses under the
22 National Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.);

24 (G) implementation of the requirements of
25 section 306108 of title 54, United States Code

1 (formerly known as section 106 of the National
2 Historic Preservation Act);

3 (H) the Bald and Golden Eagle Protection
4 Act (16 U.S.C. 668–668d); and

5 (I) section 100101(a), chapter 1003, and
6 sections 100751(a), 100752, 100753 and
7 102101 of title 54 , United States Code (pre-
8 viously known as the “National Park Service
9 Organic Act”).

10 (2) DUTIES.—Each employee assigned under
11 paragraph (1) shall—

12 (A) be responsible for addressing all issues
13 relating to the jurisdiction of the home office or
14 agency of the employee; and

15 (B) participate as part of the team of per-
16 sonnel working on proposed energy projects,
17 planning, monitoring, inspection, enforcement,
18 and environmental analyses.

19 (d) ADDITIONAL PERSONNEL.—The Secretary may
20 assign such additional personnel for the Bureau of Land
21 Management Renewable Energy Coordination Offices as
22 are necessary to ensure the effective implementation of
23 any programs administered by the offices in accordance
24 with the multiple use mandate of the Federal Land Policy
25 and Management Act of 1976 (43 U.S.C. 1701 et seq.).

1 (e) CLARIFICATION OF EXISTING AUTHORITY.—

2 Under section 307 of the Federal Land Policy and Man-
3 agement Act of 1976 (43 U.S.C. 1737), the Bureau of
4 Land Management may—

5 (1) accept donations for the purposes of public
6 lands management; and

7 (2) accept donations from renewable energy
8 companies working on public lands to help cover the
9 costs of environmental reviews.

10 (f) REPORT TO CONGRESS.—

11 (1) IN GENERAL.—Not later than February 1
12 of the first fiscal year beginning after the date of the
13 enactment of this Act, and each February 1 there-
14 after, the Secretary shall submit to the Committee
15 on Energy and Natural Resources of the Senate and
16 the Committee on Natural Resources of the House
17 of Representatives a report describing the progress
18 made under the program established under sub-
19 section (a) during the preceding year.

20 (2) INCLUSIONS.—Each report under this sub-
21 section shall include—

22 (A) projections for renewable energy pro-
23 duction and capacity installations; and

24 (B) a description of any problems relating
25 to leasing, permitting, siting, or production.

1 **SEC. 84405. INCREASING ECONOMIC CERTAINTY.**

2 (a) CONSIDERATIONS.—The Secretary is authorized
3 to and shall consider acreage rental rates, capacity fees,
4 and other recurring annual fees in total when evaluating
5 existing rates paid for the use of Federal land by renew-
6 able energy projects.

7 (b) INCREASES IN BASE RENTAL RATES.—Once a
8 base rental rate is established upon the issuance of a
9 right-of-way authorization, increases in the base rent shall
10 be limited to the Implicit Price Deflator–Gross Domestic
11 Product (IPD–GDP) index for the entire term of the
12 right-of-way authorization.

13 (c) REDUCTIONS IN BASE RENTAL RATES.—The
14 Secretary is authorized to reduce acreage rental rates and
15 capacity fees, or both, for existing and new wind and solar
16 authorizations if the Secretary determines—

17 (1) that the existing rates—

18 (A) exceed fair market value;

19 (B) impose economic hardships;

20 (C) limit commercial interest in a competi-
21 tive lease sale or right-of-way grant; or

22 (D) are not competitively priced compared
23 to other available land; or

24 (2) that a reduced rental rate or capacity fee is
25 necessary to promote the greatest use of wind and
26 solar energy resources, especially those resources in-

1 side priority areas. Rental rates and capacity fees
2 for projects that are within the boundaries of a Des-
3 ignated Leasing Area but not formally recognized as
4 being in such an area shall be equivalent to rents
5 and fees for new leases inside of a Designated Leas-
6 ing Area.

7 **SEC. 84406. LIMITED GRANDFATHERING.**

8 (a) DEFINITION OF PROJECT.—In this section, the
9 term “project” means a system described in section
10 2801.9(a)(4) of title 43, Code of Federal Regulations (as
11 in effect on the date of enactment of this Act).

12 (b) REQUIREMENT TO PAY RENTS AND FEES.—Un-
13 less otherwise agreed to by the owner of a project, the
14 owner of a project that applied for a right-of-way under
15 section 501 of the Federal Land Policy and Management
16 Act of 1976 (43 U.S.C. 1761) on or before December 19,
17 2016, shall be obligated to pay with respect to the right-
18 of-way all rents and fees in effect before the effective date
19 of the rule of the Bureau of Land Management entitled
20 “Competitive Processes, Terms, and Conditions for Leas-
21 ing Public Lands for Solar and Wind Energy Development
22 and Technical Changes and Corrections” (81 Fed. Reg.
23 92122 (December 19, 2016)).

1 **SEC. 84407. RENEWABLE ENERGY GOAL.**

2 The Secretary shall seek to issue permits that, in
3 total, authorize production of not less than 25 gigawatts
4 of electricity from wind, solar, and geothermal energy
5 projects by not later than 2025, through management of
6 public lands and administration of Federal laws.

7 **SEC. 84408. DISPOSITION OF REVENUES.**

8 (a) DISPOSITION OF REVENUES.—Beginning on Jan-
9 uary 1, 2020, of the amounts collected as bonus bids, rent-
10 als, fees, or other payments under a right-of-way, permit,
11 lease, or other authorization (other than under section
12 504(g) of the Federal Land Policy and Management Act
13 of 1976 (43 U.S.C. 1764(g))) for the development of wind
14 or solar energy on covered land the following shall be made
15 available without further appropriation or fiscal year limi-
16 tation as follows:

17 (1) Twenty-five percent shall be paid by the
18 Secretary of the Treasury to the State within the
19 boundaries of which the revenue is derived.

20 (2) Twenty-five percent shall be paid by the
21 Secretary of the Treasury to the one or more coun-
22 ties within the boundaries of which the revenue is
23 derived, to be allocated among the counties based on
24 the percentage of land from which the revenue is de-
25 rived.

1 (3) Fifteen percent shall be deposited in the
2 Treasury and be made available to the Secretary to
3 carry out the program established under this sub-
4 title, including the transfer of the funds by the Bu-
5 reau of Land Management to other Federal agencies
6 and State agencies to facilitate the processing of re-
7 newable energy permits on Federal land, with pri-
8 ority given to using the amounts, to the maximum
9 extent practicable without detrimental impacts to
10 emerging markets, to expediting the issuance of per-
11 mits required for the development of renewable en-
12 ergy projects in the States from which the revenues
13 are derived.

14 (4) Twenty-five percent shall be deposited in
15 the Renewable Energy Resource Conservation Fund
16 established by subsection (c).

17 (5) The remainder shall be deposited into the
18 general fund of the Treasury for purposes of reduc-
19 ing the annual Federal budget deficit.

20 (b) PAYMENTS TO STATES AND COUNTIES.—

21 (1) IN GENERAL.—Amounts paid to States and
22 counties under subsection (a) shall be used con-
23 sistent with section 35 of the Mineral Leasing Act
24 (30 U.S.C. 191).

1 (2) PAYMENTS IN LIEU OF TAXES.—A payment
2 to a county under paragraph (1) shall be in addition
3 to a payment in lieu of taxes received by the county
4 under chapter 69 of title 31, United States Code.

5 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
6 FUND.—

7 (1) IN GENERAL.—There is established in the
8 Treasury a fund to be known as the Renewable En-
9 ergy Resource Conservation Fund, which shall be
10 administered by the Secretary.

11 (2) USE OF FUNDS.—The Secretary may make
12 amounts in the Fund available to Federal, State,
13 local, and Tribal agencies to be distributed in re-
14 gions in which renewable energy projects are located
15 on Federal land, for the purposes of—

16 (A) restoring and protecting—

17 (i) fish and wildlife habitat for af-
18 fected species;

19 (ii) fish and wildlife corridors for af-
20 fected species; and

21 (iii) wetlands, streams, rivers, and
22 other natural water bodies in areas af-
23 fected by wind, geothermal, or solar energy
24 development; and

1 (B) preserving and improving recreational
2 access to Federal land and water in an affected
3 region through an easement, right-of-way, or
4 other instrument from willing landowners for
5 the purpose of enhancing public access to exist-
6 ing Federal land and water that is inaccessible
7 or restricted.

8 (3) RESTRICTION ON USE OF FUNDS.—No
9 funds made available under this subsection may be
10 used for the purchase of real property unless in ful-
11 fillment of paragraph (2)(B).

12 (4) PARTNERSHIPS.—The Secretary may enter
13 into cooperative agreements with State and Tribal
14 agencies, nonprofit organizations, and other appro-
15 priate entities to carry out the activities described in
16 subparagraphs (A) and (B) of paragraph (2).

17 (5) INVESTMENT OF FUND.—

18 (A) IN GENERAL.—Any amounts deposited
19 in the Fund shall earn interest in an amount
20 determined by the Secretary of the Treasury on
21 the basis of the current average market yield on
22 outstanding marketable obligations of the
23 United States of comparable maturities.

1 (B) USE.—Any interest earned under sub-
2 paragraph (A) may be expended in accordance
3 with this subsection.

4 (6) REPORT TO CONGRESS.—At the end of each
5 fiscal year, the Secretary shall report to the Com-
6 mittee on Natural Resources of the House of Rep-
7 resentatives and the Committee on Energy and Nat-
8 ural Resources of the Senate—

9 (A) the amount collected as described in
10 subsection (a), by source, during that fiscal
11 year;

12 (B) the amount and purpose of payments
13 during that fiscal year to each Federal, State,
14 local, and Tribal agency under paragraph (2);
15 and

16 (C) the amount remaining in the Fund at
17 the end of the fiscal year.

18 (7) INTENT OF CONGRESS.—It is the intent of
19 Congress that the revenues deposited and used in
20 the Fund shall supplement (and not supplant) an-
21 nual appropriations for activities described in sub-
22 paragraphs (A) and (B) of paragraph (2).

1 **SEC. 84409. PROMOTING AND ENHANCING DEVELOPMENT**
2 **OF GEOTHERMAL ENERGY.**

3 (a) IN GENERAL.—Section 234(a) of the Energy Pol-
4 icy Act of 2005 (42 U.S.C. 15873(a)) is amended by strik-
5 ing “in the first 5 fiscal years beginning after the date
6 of enactment of this Act” and inserting “through fiscal
7 year 2022”.

8 (b) AUTHORIZATION.—Section 234(b) of the Energy
9 Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—
10 (1) by striking “Amounts” and inserting the
11 following:

12 “(1) IN GENERAL.—Amounts”; and

13 (2) by adding at the end the following:

14 “(2) AUTHORIZATION.—Effective for fiscal year
15 2019 and each fiscal year thereafter, amounts de-
16 posited under subsection (a) shall be available to the
17 Secretary of the Interior for expenditure, without
18 further appropriation or fiscal year limitation, to im-
19 plement the Geothermal Steam Act of 1970 (30
20 U.S.C. 1001 et seq.) and this Act.”.

21 **SEC. 84410. FACILITATION OF COPRODUCTION OF GEO-**
22 **THERMAL ENERGY ON OIL AND GAS LEASES.**

23 Section 4(b) of the Geothermal Steam Act of 1970
24 (30 U.S.C. 1003(b)) is amended by adding at the end the
25 following:

1 “(4) LAND SUBJECT TO OIL AND GAS LEASE.—
2 Land under an oil and gas lease issued pursuant to
3 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or
4 the Mineral Leasing Act for Acquired Lands (30
5 U.S.C. 351 et seq.) that is subject to an approved
6 application for permit to drill and from which oil
7 and gas production is occurring may be available for
8 noncompetitive leasing under subsection (c) by the
9 holder of the oil and gas lease—

10 “(A) on a determination that geothermal
11 energy will be produced from a well producing
12 or capable of producing oil and gas; and

13 “(B) in order to provide for the coproduc-
14 tion of geothermal energy with oil and gas.”.

15 **SEC. 84411. NONCOMPETITIVE LEASING OF ADJOINING**
16 **AREAS FOR DEVELOPMENT OF GEOTHERMAL**
17 **RESOURCES.**

18 Section 4(b) of the Geothermal Steam Act of 1970
19 (30 U.S.C. 1003(b)) is further amended by adding at the
20 end the following:

21 “(5) ADJOINING LAND.—

22 “(A) DEFINITIONS.—In this paragraph:

23 “(i) FAIR MARKET VALUE PER
24 ACRE.—The term ‘fair market value per

1 acre' means a dollar amount per acre
2 that—

3 “(I) except as provided in this
4 clause, shall be equal to the market
5 value per acre (taking into account
6 the determination under subparagraph
7 (B)(iii) regarding a valid discovery on
8 the adjoining land) as determined by
9 the Secretary under regulations issued
10 under this paragraph;

11 “(II) shall be determined by the
12 Secretary with respect to a lease
13 under this paragraph, by not later
14 than the end of the 180-day period
15 beginning on the date the Secretary
16 receives an application for the lease;
17 and

18 “(III) shall be not less than the
19 greater of—

20 “(aa) 4 times the median
21 amount paid per acre for all land
22 leased under this Act during the
23 preceding year; or

24 “(bb) \$50.

1 “(ii) INDUSTRY STANDARDS.—The
2 term ‘industry standards’ means the stand-
3 ards by which a qualified geothermal pro-
4 fessional assesses whether downhole or
5 flowing temperature measurements with
6 indications of permeability are sufficient to
7 produce energy from geothermal resources,
8 as determined through flow or injection
9 testing or measurement of lost circulation
10 while drilling.

11 “(iii) QUALIFIED FEDERAL LAND.—
12 The term ‘qualified Federal land’ means
13 land that is otherwise available for leasing
14 under this Act.

15 “(iv) QUALIFIED GEOTHERMAL PRO-
16 FESSIONAL.—The term ‘qualified geo-
17 thermal professional’ means an individual
18 who is an engineer or geoscientist in good
19 professional standing with at least 5 years
20 of experience in geothermal exploration,
21 development, or project assessment.

22 “(v) QUALIFIED LESSEE.—The term
23 ‘qualified lessee’ means a person who may
24 hold a geothermal lease under this Act (in-
25 cluding applicable regulations).

1 “(vi) VALID DISCOVERY.—The term
2 ‘valid discovery’ means a discovery of a
3 geothermal resource by a new or existing
4 slim hole or production well, that exhibits
5 downhole or flowing temperature measure-
6 ments with indications of permeability that
7 are sufficient to meet industry standards.

8 “(B) AUTHORITY.—An area of qualified
9 Federal land that adjoins other land for which
10 a qualified lessee holds a legal right to develop
11 geothermal resources may be available for a
12 noncompetitive lease under this section to the
13 qualified lessee at the fair market value per
14 acre, if—

15 “(i) the area of qualified Federal
16 land—

17 “(I) consists of not less than 1
18 acre and not more than 640 acres;
19 and

20 “(II) is not already leased under
21 this Act or nominated to be leased
22 under subsection (a);

23 “(ii) the qualified lessee has not pre-
24 viously received a noncompetitive lease
25 under this paragraph in connection with

1 the valid discovery for which data has been
2 submitted under clause (iii)(I); and

3 “(iii) sufficient geological and other
4 technical data prepared by a qualified geo-
5 thermal professional has been submitted by
6 the qualified lessee to the applicable Fed-
7 eral land management agency that would
8 lead individuals who are experienced in the
9 subject matter to believe that—

10 “(I) there is a valid discovery of
11 geothermal resources on the land for
12 which the qualified lessee holds the
13 legal right to develop geothermal re-
14 sources; and

15 “(II) that geothermal feature ex-
16 tends into the adjoining areas.

17 “(C) DETERMINATION OF FAIR MARKET
18 VALUE.—

19 “(i) IN GENERAL.—The Secretary
20 shall—

21 “(I) publish a notice of any re-
22 quest to lease land under this para-
23 graph;

24 “(II) determine fair market value
25 for purposes of this paragraph in ac-

1 cordance with procedures for making
2 those determinations that are estab-
3 lished by regulations issued by the
4 Secretary;

5 “(III) provide to a qualified les-
6 see and publish, with an opportunity
7 for public comment for a period of 30
8 days, any proposed determination
9 under this subparagraph of the fair
10 market value of an area that the
11 qualified lessee seeks to lease under
12 this paragraph; and

13 “(IV) provide to the qualified les-
14 see and any adversely affected party
15 the opportunity to appeal the final de-
16 termination of fair market value in an
17 administrative proceeding before the
18 applicable Federal land management
19 agency, in accordance with applicable
20 law (including regulations).

21 “(ii) LIMITATION ON NOMINATION.—
22 After publication of a notice of request to
23 lease land under this paragraph, the Sec-
24 retary may not accept under subsection (a)
25 any nomination of the land for leasing un-

1 less the request has been denied or with-
2 drawn.

3 “(iii) ANNUAL RENTAL.—For pur-
4 poses of section 5(a)(3), a lease awarded
5 under this paragraph shall be considered a
6 lease awarded in a competitive lease sale.

7 “(D) REGULATIONS.—Not later than 270
8 days after the date of the enactment of this
9 paragraph, the Secretary shall issue regulations
10 to carry out this paragraph.”.

11 **SEC. 84412. SAVINGS CLAUSE.**

12 Notwithstanding any other provision of this subtitle,
13 the Secretary shall continue to manage public lands under
14 the principles of multiple use and sustained yield in ac-
15 cordance with title I of the Federal Land Policy and Man-
16 agement Act of 1976 (43 U.S.C. 1701 et seq.), including
17 due consideration of mineral and nonrenewable energy-re-
18 lated projects and other nonrenewable energy uses, for the
19 purposes of land use planning, permit processing, and con-
20 ducting environmental reviews.

1 **Subtitle E—Offshore Wind Jobs**
2 **and Opportunity**

3 **SEC. 84501. OFFSHORE WIND CAREER TRAINING GRANT**
4 **PROGRAM.**

5 The Outer Continental Shelf Lands Act (43 U.S.C.
6 1331 et seq.) is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 33. OFFSHORE WIND CAREER TRAINING GRANT PRO-**
9 **GRAM.**

10 “(a) GRANTS AUTHORIZED.—Beginning 180 days
11 after the date of the enactment of this section, the Sec-
12 retary may award offshore wind career training grants to
13 eligible entities for the purpose of establishing or expand-
14 ing educational or career training programs that provide
15 individuals in such programs skills and competencies nec-
16 essary for employment in the offshore wind industry.

17 “(b) ALLOCATION OF GRANTS.—

18 “(1) LIMITATION ON GRANT QUANTITY AND
19 SIZE.—An eligible entity may not be awarded—

20 “(A) more than one grant under this sec-
21 tion for which the eligible entity is the lead ap-
22 plicant; or

23 “(B) a grant under this section in excess
24 of \$2,500,000.

1 “(2) ALLOCATION TO COMMUNITY COLLEGES.—
2 Not less than 25 percent of the total amount award-
3 ed under this section for a fiscal year shall be
4 awarded to eligible entities that are community col-
5 leges.

6 “(c) PARTNERSHIPS.—An eligible entity seeking to
7 receive a grant under this section shall establish or partner
8 with one or more of the following:

9 “(1) Another eligible entity (including an eligi-
10 ble entity that is a community college).

11 “(2) A State or local government agency re-
12 sponsible for education, workforce development or
13 offshore wind energy activities

14 “(3) A qualified intermediary.

15 “(d) USE OF GRANT.—An eligible entity may use a
16 grant awarded under this section for the following activi-
17 ties:

18 “(1) Occupational skills training, including cur-
19 riculum development and class-room instruction.

20 “(2) Safety and health training.

21 “(3) The provision of English language acquisi-
22 tion and employability skills.

23 “(4) Individual referral and tuition assistance
24 for a community college training program.

1 “(5) Career pathway development or expansion
2 for offshore wind industry occupations;

3 “(6) the development or expansion of work-
4 based learning or incumbent worker training pro-
5 grams aligned with career pathways in a field re-
6 lated to the offshore wind industry, such as paid in-
7 ternships, registered apprenticeships and programs
8 articulating to an apprenticeship program, cus-
9 tomized training, or transitional jobs.

10 “(7) Curriculum development at the under-
11 graduate and postgraduate levels.

12 “(8) Development and support of offshore wind
13 energy major, minor, or certificate programs.

14 “(9) Such other activities, as determined by the
15 Secretary, to meet the purposes of this section.

16 “(e) GRANT PROPOSALS.—

17 “(1) SUBMISSION PROCEDURE FOR GRANT PRO-
18 POSALS.—An eligible entity seeking to receive a
19 grant under this section shall submit a grant pro-
20 posal to the Secretary at such time, in such manner,
21 and containing such information as the Secretary
22 may require.

23 “(2) CONTENT OF GRANT PROPOSALS.—A
24 grant proposal submitted to the Secretary under this
25 section shall include a detailed description of—

1 “(A) the specific project for which the
2 grant proposal is submitted, including the man-
3 ner in which the grant will be used to develop,
4 offer, or improve an educational or career train-
5 ing program that will provide individuals in
6 such program the skills and competencies nec-
7 essary for employment in the offshore wind in-
8 dustry;

9 “(B) any previous experience of the eligible
10 entity in providing such educational or career
11 training programs;

12 “(C) the extent to which such project will
13 meet the educational or career training needs;

14 “(D) the quantitative data that dem-
15 onstrates the demand for employment for such
16 program in the geographic area served by the
17 eligible entity, including wages and benefits for
18 such employment;

19 “(E) a description of the entities involved
20 in the industry or sector partnership; and

21 “(F) a description of the activities the eli-
22 gible entity will carry out.

23 “(f) CRITERIA FOR AWARD OF GRANTS.—

1 “(1) IN GENERAL.—Subject to appropriations,
2 the Secretary shall award grants under this section
3 based on an evaluation of—

4 “(A) the merits of the grant proposal;

5 “(B) the available or projected employment
6 opportunities, including the projected wages
7 and benefits, available to individuals who com-
8 plete the educational or career training program
9 that the eligible entity proposes to develop,
10 offer, or improve; and

11 “(C) the availability and capacity of exist-
12 ing educational or career training programs in
13 the community to meet future demand for such
14 programs.

15 “(2) PRIORITY.—Priority in awarding grants
16 under this section shall be given to an eligible entity
17 that—

18 “(A) is—

19 “(i) an institute of higher education
20 that has formed a partnership with a labor
21 organization or joint-labor management or-
22 ganization; or

23 “(ii) a labor organization or joint-
24 labor management organization that has

1 formed a partnership with an institute of
2 higher education;

3 “(B) has entered into a memorandum of
4 understanding with one or more employers in
5 the offshore wind industry to partner on the es-
6 tablishment or expansion of programs funded
7 under this Act;

8 “(C) is located in an economically dis-
9 tressed area;

10 “(D) serves a high number or high per-
11 centage of individuals who are—

12 “(i) dislocated workers (particularly
13 workers dislocated from the offshore oil
14 and gas, onshore fossil fuel, nuclear en-
15 ergy, or fishing industries);

16 “(ii) veterans, members of the reserve
17 components of the Armed Forces, or
18 former members of such reserve compo-
19 nents;

20 “(iii) unemployed, underemployed, or
21 disconnected;

22 “(iv) individuals with barriers to em-
23 ployment;

24 “(v) in-school and out-of-school youth;
25 or

1 “(vi) formerly incarcerated, adju-
2 dicated, nonviolent offenders;

3 “(E) an eligible entity that proposes to
4 serve a high percentage or number of low-in-
5 come or minority students; or

6 “(F) demonstration of or established plans
7 for the eligible entity to be included on the list
8 of eligible providers of training services de-
9 scribed in section 122(d) of the Workforce In-
10 novation and Opportunity Act (29 U.S.C.
11 3152(d)).

12 “(3) GEOGRAPHIC DISTRIBUTION.—The Sec-
13 retary shall, to the extent practicable, award grants
14 under this section in a manner that provides for a
15 reasonable geographic distribution, except that the
16 Secretary shall not be required to award grants
17 equally among different regions of the United
18 States.

19 “(g) MATCHING REQUIREMENTS.—A grant awarded
20 under this section may not be used to satisfy any non-
21 Federal funds matching requirement under any other pro-
22 vision of law.

23 “(h) GRANTEE DATA COLLECTION.—

24 “(1) IN GENERAL.—A grantee, with respect to
25 the educational or career training program for which

1 the grantee received a grant under this section, shall
2 collect and report to the Secretary on an annual
3 basis the following:

4 “(A) The number of participants enrolled
5 in the educational or career training program.

6 “(B) The number of participants that have
7 completed the educational or career training
8 programing the last twelve months.

9 “(C) The services received by such partici-
10 pants, including a description of training, edu-
11 cation, and supportive services.

12 “(D) The amount spent by the grantee per
13 participant.

14 “(E) The percentage of job placement of
15 participants in the offshore wind industry or re-
16 lated fields.

17 “(F) The percentage of employment reten-
18 tion—

19 “(i) if the eligible entity is not an in-
20 stitution of higher education, 1 year after
21 completion of the educational or career
22 training program; or

23 “(ii) if the eligible entity is an institu-
24 tion of higher education, 1 year after com-
25 pletion of the educational or career train-

1 ing program or 1 year after the participant
2 is no longer enrolled in such institution of
3 higher education, whichever is later.

4 “(G) The percentage of program partici-
5 pants who obtain a recognized postsecondary
6 credential, or a secondary school diploma or its
7 recognized equivalent during participation in or
8 within 1 year after exit from the program;

9 “(2) DISAGGREGATION OF DATA.—The data
10 collected and reported under this subsection shall be
11 disaggregated by each population specified in section
12 3(24) of the Workforce Innovation and Opportunity
13 Act (29 U.S.C. 3102(24)) and by race, ethnicity,
14 sex, and age.

15 “(3) ASSISTANCE FROM SECRETARY.—The Sec-
16 retary shall assist grantees in the collection of data
17 under this subsection by making available, where
18 practicable, low-cost means of tracking the labor
19 market outcomes of participants (including through
20 coordination with the Secretary of Labor) and by
21 providing standardized reporting forms, where ap-
22 propriate. The Secretary shall provide technical as-
23 sistance and oversight to assist the eligible entities
24 in applying for and administering grants.

1 “(j) GUIDELINES.—Not later than 90 days after the
2 date of the enactment of this section, the Secretary shall—

3 “(1) promulgate guidelines for the submission
4 of grant proposals; and

5 “(2) publish and maintain such guidelines on a
6 public website of the Secretary.

7 “(k) REPORTING REQUIREMENT.—Not later than 18
8 months after the date of the enactment of this section,
9 and every 2 years thereafter, the Secretary shall submit
10 a report to the Committee on Natural Resources of the
11 House of Representatives, the Committee on Energy and
12 Natural Resources of the Senate, the Committee on Edu-
13 cation and Labor of the House of Representatives, and
14 the Committee on Health, Education, Labor, and Pen-
15 sions of the Senate on the grant program established by
16 this section. The report shall include a description of the
17 grantees and the activities for which grantees used a grant
18 awarded under this section.

19 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated for purposes of this sec-
21 tion \$25,000,000 for each of fiscal years 2020 through
22 2024. The Secretary may use not more than 2 percent
23 of the amount appropriated for each fiscal year for admin-
24 istrative expenses, including the expenses of providing the
25 technical assistance and oversight activities.

1 “(m) DEFINITIONS.—In this section:

2 “(1) APPRENTICESHIP, APPRENTICESHIP PRO-
3 GRAM.—The term ‘apprenticeship’ or ‘apprenticeship
4 program’ means an apprenticeship program reg-
5 istered under the Act of August 16, 1937 (commonly
6 known as the ‘National Apprenticeship Act’; 50
7 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), in-
8 cluding any requirement, standard, or rule promul-
9 gated under such Act, as such requirement, stand-
10 ard, or rule was in effect on December 30, 2019.
11 Any funds made available under this Act that are
12 used to fund an apprenticeship or apprenticeship
13 program shall only be used for, or provided to, an
14 apprenticeship or apprenticeship program that meets
15 this definition, including any funds awarded for the
16 purposes of grants, contracts, or cooperative agree-
17 ments, or the development, implementation, or ad-
18 ministration, of an apprenticeship or an apprentice-
19 ship program.

20 “(2) COMMUNITY COLLEGE.—The term ‘com-
21 munity college’ has the meaning given the term ‘jun-
22 ior or community college’ in section 312(f) of the
23 Higher Education Act of 1965 (20 U.S.C. 1058(f)).

24 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means an entity that is—

1 “(A) an institution of higher education, as
2 such term is defined in section 101 of the High-
3 er Education Act of 1965 (20 U.S.C. 1001)); or

4 “(B) a labor organization or a joint labor
5 management organization

6 “(4) GRANTEE.—The term ‘grantee’ means an
7 eligible entity that has received a grant under this
8 section.

9 “(5) LEAD APPLICANT.—The term ‘lead appli-
10 cant’ means the eligible entity that is primarily re-
11 sponsible for the preparation, conduct, and adminis-
12 tration of the project for which the grant was award-
13 ed.

14 “(6) SECRETARY.—The term ‘Secretary’ means
15 the Secretary of the Interior, in consultation with
16 the Secretary of Energy, the Secretary of Education,
17 and the Secretary of Labor.

18 “(7) CARL D. PERKINS CAREER AND TECH-
19 NICAL EDUCATION ACT TERMS.—The terms ‘area ca-
20 reer and technical education school’, ‘qualified inter-
21 mediary’, ‘Tribal educational agency’, and ‘work-
22 based learning’ have the meanings given the terms
23 in section 3 of the Carl D. Perkins Career and Tech-
24 nical Education Act of 2006 (20 U.S.C. 2302).

1 “(8) WORKFORCE INNOVATION AND OPPOR-
2 TUNITY ACT TERMS.—The terms ‘career pathway’,
3 ‘dislocated worker’, ‘English language acquisition’,
4 ‘in-school youth’, ‘individuals with barriers to em-
5 ployment’, ‘industry or sector partnership’, ‘on-the-
6 job training’, ‘out-of-school youth’, ‘recognized post-
7 secondary credential’, ‘supportive services’, have the
8 meanings given the terms in section 3 of the Work-
9 force Innovation and Opportunity Act (29 U.S.C.
10 3102).”.

11 **Subtitle F—Community**
12 **Reclamation Partnerships**

13 **SEC. 84601. REFERENCE.**

14 Except as otherwise specifically provided, whenever in
15 this subtitle an amendment is expressed in terms of an
16 amendment to a provision, the reference shall be consid-
17 ered to be made to a provision of the Surface Mining Con-
18 trol and Reclamation Act of 1977 (30 U.S.C. 1201 et
19 seq.).

20 **SEC. 84602. STATE MEMORANDA OF UNDERSTANDING FOR**
21 **CERTAIN REMEDIATION.**

22 (a) MEMORANDA AUTHORIZED.—Section 405 (30
23 U.S.C. 1235) is amended by inserting after subsection (l)
24 the following:

1 “(m) STATE MEMORANDA OF UNDERSTANDING FOR
2 REMEDIATION OF MINE DRAINAGE.—

3 “(1) IN GENERAL.—A State with a State pro-
4 gram approved under subsection (d) may enter into
5 a memorandum of understanding with relevant Fed-
6 eral or State agencies (or both) to remediate mine
7 drainage on abandoned mine land and water im-
8 pacted by abandoned mines within the State. The
9 memorandum may be updated as necessary and re-
10 submitted for approval under this subsection.

11 “(2) MEMORANDA REQUIREMENTS.—Such
12 memorandum shall establish a strategy satisfactory
13 to the State and Federal agencies that are parties
14 to the memorandum, to address water pollution re-
15 sulting from mine drainage at sites eligible for rec-
16 lamation and mine drainage abatement expenditures
17 under section 404, including specific procedures
18 for—

19 “(A) ensuring that activities carried out to
20 address mine drainage will result in improved
21 water quality;

22 “(B) monitoring, sampling, and the report-
23 ing of collected information as necessary to
24 achieve the condition required under subpara-
25 graph (A);

1 “(C) operation and maintenance of treat-
2 ment systems as necessary to achieve the condi-
3 tion required under subparagraph (A); and

4 “(D) other purposes, as considered nec-
5 essary by the State or Federal agencies, to
6 achieve the condition required under subpara-
7 graph (A).

8 “(3) PUBLIC REVIEW AND COMMENT.—

9 “(A) IN GENERAL.—Before submitting a
10 memorandum to the Secretary and the Admin-
11 istrator for approval, a State shall—

12 “(i) invite interested members of the
13 public to comment on the memorandum;
14 and

15 “(ii) hold at least one public meeting
16 concerning the memorandum in a location
17 or locations reasonably accessible to per-
18 sons who may be affected by implementa-
19 tion of the memorandum.

20 “(B) NOTICE OF MEETING.—The State
21 shall publish notice of each meeting not less
22 than 15 days before the date of the meeting, in
23 local newspapers of general circulation, on the
24 Internet, and by any other means considered

1 necessary or desirable by the Secretary and the
2 Administrator.

3 “(4) SUBMISSION AND APPROVAL.—The State
4 shall submit the memorandum to the Secretary and
5 the Administrator of the Environmental Protection
6 Agency for approval. The Secretary and the Admin-
7 istrator shall approve or disapprove the memo-
8 randum within 120 days after the date of its sub-
9 mission if the Secretary and Administrator find that
10 the memorandum will facilitate additional activities
11 under the State Reclamation Plan under subsection
12 (e) that improve water quality.

13 “(5) TREATMENT AS PART OF STATE PLAN.—
14 A memorandum of a State that is approved by the
15 Secretary and the Administrator under this sub-
16 section shall be considered part of the approved
17 abandoned mine reclamation plan of the State.

18 “(n) COMMUNITY RECLAIMER PARTNERSHIPS.—

19 “(1) PROJECT APPROVAL.—Within 120 days
20 after receiving such a submission, the Secretary
21 shall approve a Community Reclaimer project to re-
22 mediate abandoned mine lands if the Secretary finds
23 that—

24 “(A) the proposed project will be con-
25 ducted by a Community Reclaimer as defined in

1 this subsection or approved subcontractors of
2 the Community Reclaimer;

3 “(B) for any proposed project that remedi-
4 ates mine drainage, the proposed project is con-
5 sistent with an approved State memorandum of
6 understanding under subsection (m);

7 “(C) the proposed project will be con-
8 ducted on a site or sites inventoried under sec-
9 tion 403(c);

10 “(D) the proposed project meets all sub-
11 mission criteria under paragraph (2);

12 “(E) the relevant State has entered into an
13 agreement with the Community Reclaimer
14 under which the State shall assume all respon-
15 sibility with respect to the project for any costs
16 or damages resulting from any action or inac-
17 tion on the part of the Community Reclaimer in
18 carrying out the project, except for costs or
19 damages resulting from gross negligence or in-
20 tentional misconduct by the Community Re-
21 claimer, on behalf of—

22 “(i) the Community Reclaimer; and

23 “(ii) the owner of the proposed project
24 site,

1 if such Community Reclaimer or owner, respec-
2 tively, did not participate in any way in the cre-
3 ation of site conditions at the proposed project
4 site or activities that caused any lands or
5 waters to become eligible for reclamation or
6 drainage abatement expenditures under section
7 404;

8 “(F) the State has the necessary legal au-
9 thority to conduct the project and will obtain all
10 legally required authorizations, permits, li-
11 censes, and other approvals to ensure comple-
12 tion of the project;

13 “(G) the State has sufficient financial re-
14 sources to ensure completion of the project, in-
15 cluding any necessary operation and mainte-
16 nance costs (including costs associated with
17 emergency actions covered by a contingency
18 plan under paragraph (2)(K)); and

19 “(H) the proposed project is not in a cat-
20 egory of projects that would require a permit
21 under title V.

22 “(2) PROJECT SUBMISSION.—The State shall
23 submit a request for approval to the Secretary that
24 shall include—

1 “(A) a description of the proposed project,
2 including any engineering plans that must bear
3 the seal of a professional engineer;

4 “(B) a description of the proposed project
5 site or sites, including, if relevant, the nature
6 and extent of pollution resulting from mine
7 drainage;

8 “(C) identification of the past and current
9 owners and operators of the proposed project
10 site;

11 “(D) the agreement or contract between
12 the relevant State and the Community Re-
13 claimer to carry out the project;

14 “(E) a determination that the project will
15 facilitate the activities of the State reclamation
16 plan under subsection (e);

17 “(F) sufficient information to determine
18 whether the Community Reclaimer has the
19 technical capability and expertise to successfully
20 conduct the proposed project;

21 “(G) a cost estimate for the project and
22 evidence that the Community Reclaimer has
23 sufficient financial resources to ensure the suc-
24 cessful completion of the proposed project (in-
25 cluding any operation or maintenance costs);

1 “(H) a schedule for completion of the
2 project;

3 “(I) an agreement between the Community
4 Reclaimer and the current owner of the site
5 governing access to the site;

6 “(J) sufficient information to ensure that
7 the Community Reclaimer meets the definition
8 under paragraph (3);

9 “(K) a contingency plan designed to be
10 used in response to unplanned adverse events
11 that includes emergency actions, response, and
12 notifications; and

13 “(L) a requirement that the State provide
14 notice to adjacent and downstream landowners
15 and the public and hold a public meeting near
16 the proposed project site before the project is
17 initiated.

18 “(3) COMMUNITY RECLAIMER DEFINED.—For
19 purposes of this section, the term ‘Community Re-
20 claimer’ means any person who—

21 “(A) seeks to voluntarily assist a State
22 with a reclamation project under this section;

23 “(B) did not participate in any way in the
24 creation of site conditions at the proposed
25 project site or activities that caused any lands

1 or waters to become eligible for reclamation or
2 drainage abatement expenditures under section
3 404;

4 “(C) is not a past or current owner or op-
5 erator of any site with ongoing reclamation obli-
6 gations; and

7 “(D) is not subject to outstanding viola-
8 tions listed pursuant to section 510(e).”.

9 **SEC. 84603. CLARIFYING STATE LIABILITY FOR MINE**
10 **DRAINAGE PROJECTS.**

11 Section 413(d) (30 U.S.C. 1242(d)) is amended in
12 the second sentence by inserting “unless such control or
13 treatment will be conducted in accordance with a State
14 memorandum of understanding approved under section
15 405(m) of this Act” after “Control Act” the second place
16 it appears.

17 **SEC. 84604. CONFORMING AMENDMENTS.**

18 Section 405(f) (30 U.S.C. 1235(f)) is amended—

19 (1) by striking the “and” after the semicolon in
20 paragraph (6);

21 (2) by striking the period at the end of para-
22 graph (7) and inserting “; and”; and

23 (3) by inserting at the end the following:

24 “(8) a list of projects proposed under sub-
25 section (n).”.

1 **DIVISION M—REVENUE**
2 **PROVISIONS**

3 **SEC. 90001. SHORT TITLE; ETC.**

4 (a) **SHORT TITLE.**—This division may be cited as the
5 “Renewable Energy, Efficiency, and Infrastructure Tax
6 Act of 2020”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this division is as follows:

DIVISION M—REVENUE PROVISIONS

Sec. 90001. Short title; etc.

TITLE I—INFRASTRUCTURE FINANCING

Subtitle A—Bond Financing Enhancements

- Sec. 90101. Credit to issuer for certain infrastructure bonds.
- Sec. 90102. Advance refunding bonds.
- Sec. 90103. Permanent modification of small issuer exception to tax-exempt interest expense allocation rules for financial institutions.
- Sec. 90104. Volume cap on private activity bonds.
- Sec. 90105. Modifications to qualified small issue bonds.
- Sec. 90106. Expansion of certain exceptions to the private activity bond rules for first-time farmers.
- Sec. 90107. Exempt facility bonds for zero-emission vehicle infrastructure.
- Sec. 90108. Exempt-facility bonds for sewage and water supply facilities.
- Sec. 90109. Qualified highway or surface freight transfer facility bonds.

Subtitle B—School Infrastructure Bonds

- Sec. 90111. Restoration of certain qualified tax credit bonds.
- Sec. 90112. School infrastructure bonds.
- Sec. 90113. Annual report on bond program.

Subtitle C—Other Provisions Related to Infrastructure Financing

- Sec. 90121. Credit for operations and maintenance costs of government-owned broadband.
- Sec. 90122. Treatment of financial guaranty insurance companies as qualifying insurance corporations under passive foreign investment company rules.
- Sec. 90123. Infrastructure grants to improve child care safety.

TITLE II—NEW MARKETS TAX CREDIT

- Sec. 90201. Improvement and permanent extension of new markets tax credit.

TITLE III—REHABILITATION TAX CREDIT

- Sec. 90301. Increase in rehabilitation credit.
- Sec. 90302. Increase in the rehabilitation credit for certain small projects.
- Sec. 90303. Modification of definition of substantially rehabilitated.
- Sec. 90304. Temporary extension of period for completing rehabilitation.
- Sec. 90305. Elimination of rehabilitation credit basis adjustment.
- Sec. 90306. Modifications regarding certain tax-exempt use property.
- Sec. 90307. Qualification of rehabilitation expenditures for public school buildings for rehabilitation credit.

TITLE IV—GREEN ENERGY

- Sec. 90400. Short title.

Subtitle A—Renewable Electricity and Reducing Carbon Emissions

- Sec. 90401. Extension of credit for electricity produced from certain renewable resources.
- Sec. 90402. Extension and modification of energy credit.
- Sec. 90403. Extension of credit for carbon oxide sequestration.
- Sec. 90404. Elective payment for energy property and electricity produced from certain renewable resources, etc.
- Sec. 90405. Extension of energy credit for offshore wind facilities.
- Sec. 90406. Green energy publicly traded partnerships.

Subtitle B—Renewable Fuels

- Sec. 90411. Biodiesel and renewable diesel.
- Sec. 90412. Extension of excise tax credits relating to alternative fuels.
- Sec. 90413. Extension of second generation biofuel incentives.

Subtitle C—Green Energy and Efficiency Incentives for Individuals

- Sec. 90421. Extension, increase, and modifications of nonbusiness energy property credit.
- Sec. 90422. Residential energy efficient property.
- Sec. 90423. Energy efficient commercial buildings deduction.
- Sec. 90424. Extension, increase, and modifications of new energy efficient home credit.
- Sec. 90425. Modifications to income exclusion for conservation subsidies.

Subtitle D—Greening the Fleet and Alternative Vehicles

- Sec. 90431. Modification of limitations on new qualified plug-in electric drive motor vehicle credit.
- Sec. 90432. Credit for previously-owned qualified plug-in electric drive motor vehicles.
- Sec. 90433. Credit for zero-emission heavy vehicles and zero-emission buses.
- Sec. 90434. Qualified fuel cell motor vehicles.
- Sec. 90435. Alternative fuel refueling property credit.
- Sec. 90436. Modification of employer-provided fringe benefits for bicycle commuting.

Subtitle E—Investment in the Green Workforce

- Sec. 90441. Extension of the advanced energy project credit.
- Sec. 90442. Labor costs of installing mechanical insulation property.

Subtitle F—Environmental Justice

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Sec. 90451. Qualified environmental justice program credit.

Subtitle G—Treasury Report on Data From the Greenhouse Gas Reporting Program

Sec. 90461. Report on Greenhouse Gas Reporting Program.

TITLE V—DISASTER AND RESILIENCY

Sec. 90501. Exclusion of amounts received from state-based catastrophe loss mitigation programs.

Sec. 90502. Repeal of temporary limitation on personal casualty losses.

TITLE VI—HOUSING

Subtitle A—Low-income Housing Tax Credit Improvements

Sec. 90601. Extension of period for rehabilitation expenditures.

Sec. 90602. Extension of basis expenditure deadline.

Sec. 90603. Tax-exempt bond financing requirement.

Sec. 90604. Minimum credit rate.

Sec. 90605. Increases in State allocations.

Sec. 90606. Increase in credit for certain projects designated to serve extremely low-income households.

Sec. 90607. Inclusion of Indian areas as difficult development areas for purposes of certain buildings.

Sec. 90608. Inclusion of rural areas as difficult development areas.

Sec. 90609. Increase in credit for bond-financed projects designated by housing credit agency.

Sec. 90610. Repeal of qualified contract option.

Sec. 90611. Prohibition of local approval and contribution requirements.

Sec. 90612. Adjustment of credit to provide relief during COVID-19 outbreak.

Sec. 90613. Credit for low-income housing supportive services.

Subtitle B—Neighborhood Homes Credit

Sec. 90621. Neighborhood homes credit.

TITLE VII—TRIBAL DEVELOPMENT

Sec. 90701. Treatment of Indian Tribes as States with respect to bond issuance.

Sec. 90702. Treatment of Tribal foundations and charities like charities funded and controlled by other governmental funders and sponsors.

Sec. 90703. New markets tax credit.

TITLE VIII—HIGHWAY TRUST FUND AND RELATED TAXES

Sec. 90801. Extension of Highway Trust Fund expenditure authority.

Sec. 90802. Extension of highway-related taxes.

Sec. 90803. Additional transfers to Highway Trust Fund.

1 (c) AMENDMENT OF 1986 CODE.—Except as other-
2 wise expressly provided, whenever in this division an
3 amendment or repeal is expressed in terms of an amend-

1 ment to, or repeal of, a section or other provision, the ref-
2 erence shall be considered to be made to a section or other
3 provision of the Internal Revenue Code of 1986.

4 **TITLE I—INFRASTRUCTURE**
5 **FINANCING**
6 **Subtitle A—Bond Financing**
7 **Enhancements**

8 **SEC. 90101. CREDIT TO ISSUER FOR CERTAIN INFRASTRUC-**
9 **TURE BONDS.**

10 (a) IN GENERAL.—Subchapter B of chapter 65 is
11 amended by adding at the end the following new section:

12 **“SEC. 6431A. CREDIT ALLOWED TO ISSUER FOR QUALIFIED**
13 **INFRASTRUCTURE BONDS.**

14 “(a) IN GENERAL.—In the case of a qualified infra-
15 structure bond, the issuer of such bond shall be allowed
16 a credit with respect to each interest payment under such
17 bond which shall be payable by the Secretary as provided
18 in subsection (b).

19 “(b) PAYMENT OF CREDIT.—

20 “(1) IN GENERAL.—The Secretary shall pay
21 (contemporaneously with each date on which interest
22 is so payable) to the issuer of such bond (or to any
23 person who makes such interest payments on behalf
24 of such issuer) an amount equal to the applicable
25 percentage of such interest so payable.

1 “(2) APPLICABLE PERCENTAGE.—For purposes
 2 of this subsection, except as provided in subsection
 3 (d), the applicable percentage with respect to any
 4 bond shall be determined under the following table:

**“In the case of a bond issued The applicable percentage is:
 during calendar year:**

2020 through 2024	42%
2025	38%
2026	34%
2027 and thereafter	30%

5 “(3) LIMITATION.—

6 “(A) IN GENERAL.—The amount of any
 7 interest payment taken into account under
 8 paragraph (1) with respect to a bond for any
 9 payment date shall not exceed the amount of
 10 interest which would have been payable under
 11 such bond on such date if such interest were
 12 determined at the rate which the Secretary esti-
 13 mates will permit the issuance of qualified in-
 14 frastructure bonds with a specified maturity or
 15 redemption date without discount and without
 16 additional interest cost.

17 “(B) DATE OF RATE DETERMINATION
 18 WITH RESPECT TO BOND.—Such rate with re-
 19 spect to any qualified infrastructure bond shall
 20 be determined as of the first day on which there
 21 is a binding, written contract for the sale or ex-
 22 change of the bond.

23 “(c) QUALIFIED INFRASTRUCTURE BOND.—

1 “(1) IN GENERAL.—For purposes of this sec-
2 tion, the term ‘qualified infrastructure bond’ means
3 any bond (other than a private activity bond) issued
4 as part of an issue if—

5 “(A) 100 percent of the available project
6 proceeds of such issue are to be used for capital
7 expenditures or operations and maintenance ex-
8 penditures in connection with property the ac-
9 quisition, construction, or improvement of
10 which would be a capital expenditure,

11 “(B) the interest on such bond would (but
12 for this section) be excludable from gross in-
13 come under section 103,

14 “(C) the issue price has not more than a
15 de minimis amount (determined under rules
16 similar to the rules of section 1273(a)(3)) of
17 premium over the stated principal amount of
18 the bond, and

19 “(D) prior to the issuance of such bond,
20 the issuer makes an irrevocable election to have
21 this section apply.

22 “(2) APPLICABLE RULES.—For purposes of ap-
23 plying paragraph (1)—

24 “(A) NOT TREATED AS FEDERALLY GUAR-
25 ANTEED.—For purposes of section 149(b), a

1 qualified infrastructure bond shall not be treat-
2 ed as federally guaranteed by reason of the
3 credit allowed under this section.

4 “(B) APPLICATION OF ARBITRAGE
5 RULES.—For purposes of section 148, the yield
6 on a qualified infrastructure bond shall be re-
7 duced by the credit allowed under this section.

8 “(d) DEFINITION AND SPECIAL RULES.—For pur-
9 poses of this section—

10 “(1) INTEREST INCLUDIBLE IN GROSS IN-
11 COME.—For purposes of this title, interest on any
12 qualified infrastructure bond shall be includible in
13 gross income.

14 “(2) AVAILABLE PROJECT PROCEEDS.—The
15 term ‘available project proceeds’ means—

16 “(A) the excess of—

17 “(i) the proceeds from the sale of an
18 issue, over

19 “(ii) the sum of—

20 “(I) issuance costs financed by
21 the issue (the extent that such costs
22 do not exceed 2 percent of such pro-
23 ceeds), and

24 “(II) amounts in a reasonably re-
25 quired reserve (within the meaning of

1 section 150(a)(3)) with respect to
2 such issue), and

3 “(B) the proceeds from any investment of
4 the excess described in clause (i).

5 “(3) CURRENT REFUNDINGS ALLOWED.—

6 “(A) IN GENERAL.—In the case of a bond
7 issued to refund a qualified infrastructure bond,
8 such refunding bond shall be treated as a quali-
9 fied infrastructure bond for purposes of this
10 section if—

11 “(i) the average maturity date of the
12 issue of which the refunding bond is a part
13 is not later than the average maturity date
14 of the bonds to be refunded by such issue,

15 “(ii) the amount of the refunding
16 bond does not exceed the outstanding
17 amount of the refunded bond,

18 “(iii) the refunded bond is redeemed
19 not later than 90 days after the date of the
20 issuance of the refunding bond, and

21 “(iv) the refunded bond was issued
22 more than 30 days after the date of the
23 enactment of this section.

24 “(B) APPLICABLE PERCENTAGE LIMITA-
25 TION.—The applicable percentage with respect

1 to any bond to which subparagraph (A) applies
2 shall be 30 percent.

3 “(C) DETERMINATION OF AVERAGE MATU-
4 RITY.—For purposes of subparagraph (A)(i),
5 average maturity shall be determined in accord-
6 ance with section 147(b)(2)(A).

7 “(e) REGULATIONS.—The Secretary may prescribe
8 such regulations and other guidance as may be necessary
9 or appropriate to carry out this section.”.

10 (b) GROSS-UP OF PAYMENT TO ISSUERS IN CASE OF
11 SEQUESTRATION.—In the case of any payment under sec-
12 tion 6431A(b) of the Internal Revenue Code of 1986 made
13 after the date of the enactment of this Act to which se-
14 questration applies, the amount of such payment shall be
15 increased to an amount equal to—

16 (1) such payment (determined before such se-
17 questration), multiplied by

18 (2) the quotient obtained by dividing 1 by the
19 amount by which 1 exceeds the percentage reduction
20 in such payment pursuant to such sequestration.

21 For purposes of this subsection, the term “sequestration”
22 means any reduction in direct spending ordered in accord-
23 ance with a sequestration report prepared by the Director
24 of the Office and Management and Budget pursuant to

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985 or the Statutory Pay-As-You-Go Act of 2010.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 1324(b)(2) of title 31, United
5 States Code, is amended by striking “or 6431” and
6 inserting “6431, or 6431A”.

7 (2) The table of sections for subchapter B of
8 chapter 65 is amended by adding at the end the fol-
9 lowing new item:

“Sec. 6431A. Credit allowed to issuer for qualified infrastructure bonds.”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to bonds issued more than 30 days
12 after the date of the enactment of this Act.

13 **SEC. 90102. ADVANCE REFUNDING BONDS.**

14 (a) IN GENERAL.—Section 149(d) is amended—

15 (1) by striking “to advance refund another
16 bond.” in paragraph (1) and inserting “as part of
17 an issue described in paragraph (2), (3), or (4).”,

18 (2) by redesignating paragraphs (2) and (3) as
19 paragraphs (5) and (7), respectively,

20 (3) by inserting after paragraph (1) the fol-
21 lowing new paragraphs:

22 “(2) CERTAIN PRIVATE ACTIVITY BONDS.—An
23 issue is described in this paragraph if any bond
24 (issued as part of such issue) is issued to advance

1 refund a private activity bond (other than a qualified
2 501(c)(3) bond).

3 “(3) OTHER BONDS.—

4 “(A) IN GENERAL.—An issue is described
5 in this paragraph if any bond (issued as part of
6 such issue), hereinafter in this paragraph re-
7 ferred to as the ‘refunding bond’, is issued to
8 advance refund a bond unless—

9 “(i) the refunding bond is only—

10 “(I) the 1st advance refunding of
11 the original bond if the original bond
12 is issued after 1985, or

13 “(II) the 1st or 2nd advance re-
14 funding of the original bond if the
15 original bond was issued before 1986,

16 “(ii) in the case of refunded bonds
17 issued before 1986, the refunded bond is
18 redeemed not later than the earliest date
19 on which such bond may be redeemed at
20 par or at a premium of 3 percent or less,

21 “(iii) in the case of refunded bonds
22 issued after 1985, the refunded bond is re-
23 deemed not later than the earliest date on
24 which such bond may be redeemed,

1 “(iv) the initial temporary period
2 under section 148(c) ends—

3 “(I) with respect to the proceeds
4 of the refunding bond not later than
5 30 days after the date of issue of such
6 bond, and

7 “(II) with respect to the proceeds
8 of the refunded bond on the date of
9 issue of the refunding bond, and

10 “(v) in the case of refunded bonds to
11 which section 148(e) did not apply, on and
12 after the date of issue of the refunding
13 bond, the amount of proceeds of the re-
14 funded bond invested in higher yielding in-
15 vestments (as defined in section 148(b))
16 which are nonpurpose investments (as de-
17 fined in section 148(f)(6)(A)) does not ex-
18 ceed—

19 “(I) the amount so invested as
20 part of a reasonably required reserve
21 or replacement fund or during an al-
22 lowable temporary period, and

23 “(II) the amount which is equal
24 to the lesser of 5 percent of the pro-
25 ceeds of the issue of which the re-

1 funded bond is a part or \$100,000 (to
2 the extent such amount is allocable to
3 the refunded bond).

4 “(B) SPECIAL RULES FOR REDEMP-
5 TIONS.—

6 “(i) ISSUER MUST REDEEM ONLY IF
7 DEBT SERVICE SAVINGS.—Clause (ii) and
8 (iii) of subparagraph (A) shall apply only
9 if the issuer may realize present value debt
10 service savings (determined without regard
11 to administrative expenses) in connection
12 with the issue of which the refunding bond
13 is a part.

14 “(ii) REDEMPTIONS NOT REQUIRED
15 BEFORE 90TH DAY.—For purposes of
16 clauses (ii) and (iii) of subparagraph (A),
17 the earliest date referred to in such clauses
18 shall not be earlier than the 90th day after
19 the date of issuance of the refunding bond.

20 “(4) ABUSIVE TRANSACTIONS PROHIBITED.—
21 An issue is described in this paragraph if any bond
22 (issued as part of such issue) is issued to advance
23 refund another bond and a device is employed in
24 connection with the issuance of such issue to obtain
25 a material financial advantage (based on arbitrage)

1 apart from savings attributable to lower interest
2 rates.”, and

3 (4) by inserting after paragraph (5) (as so re-
4 designated) the following new paragraph:

5 “(6) SPECIAL RULES FOR PURPOSES OF PARA-
6 GRAPH (3).—For purposes of paragraph (3), bonds
7 issued before October 22, 1986, shall be taken into
8 account under subparagraph (A)(i) thereof except—

9 “(A) a refunding which occurred before
10 1986 shall be treated as an advance refunding
11 only if the refunding bond was issued more
12 than 180 days before the redemption of the re-
13 funded bond, and

14 “(B) a bond issued before 1986, shall be
15 treated as advance refunded no more than once
16 before March 15, 1986.”.

17 (b) CONFORMING AMENDMENT.—Section
18 148(f)(4)(C) is amended by redesignating clauses (xiv)
19 through (xvi) as clauses (xv) to (xvii), respectively, and
20 by inserting after clause (xiii) the following new clause:

21 “(xiv) DETERMINATION OF INITIAL
22 TEMPORARY PERIOD.—For purposes of
23 this subparagraph, the end of the initial
24 section temporary period shall be deter-

1 mined without regard to section
2 149(d)(3)(A)(iv).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to advance refunding bonds issued
5 more than 30 days after the date of the enactment of this
6 Act.

7 **SEC. 90103. PERMANENT MODIFICATION OF SMALL ISSUER**
8 **EXCEPTION TO TAX-EXEMPT INTEREST EX-**
9 **PENSE ALLOCATION RULES FOR FINANCIAL**
10 **INSTITUTIONS.**

11 (a) PERMANENT INCREASE IN LIMITATION.—Sub-
12 paragraphs (C)(i), (D)(i), and (D)(iii)(II) of section
13 265(b)(3) are each amended by striking “\$10,000,000”
14 and inserting “\$30,000,000”.

15 (b) PERMANENT MODIFICATION OF OTHER SPECIAL
16 RULES.—Section 265(b)(3) is amended—

17 (1) by redesignating clauses (iv), (v), and (vi)
18 of subparagraph (G) as clauses (ii), (iii), and (iv),
19 respectively, and moving such clauses to the end of
20 subparagraph (H) (as added by paragraph (2)), and

21 (2) by striking so much of subparagraph (G) as
22 precedes such clauses and inserting the following:

23 “(G) QUALIFIED 501(c)(3) BONDS TREATED
24 AS ISSUED BY EXEMPT ORGANIZATION.—In the
25 case of a qualified 501(c)(3) bond (as defined

1 in section 145), this paragraph shall be applied
2 by treating the 501(c)(3) organization for
3 whose benefit such bond was issued as the
4 issuer.

5 “(H) SPECIAL RULE FOR QUALIFIED
6 FINANCINGS.—

7 “(i) IN GENERAL.—In the case of a
8 qualified financing issue—

9 “(I) subparagraph (F) shall not
10 apply, and

11 “(II) any obligation issued as a
12 part of such issue shall be treated as
13 a qualified tax-exempt obligation if
14 the requirements of this paragraph
15 are met with respect to each qualified
16 portion of the issue (determined by
17 treating each qualified portion as a
18 separate issue which is issued by the
19 qualified borrower with respect to
20 which such portion relates).”.

21 (c) INFLATION ADJUSTMENT.—Section 265(b)(3), as
22 amended by subsection (b), is amended by adding at the
23 end the following new subparagraph:

24 “(I) INFLATION ADJUSTMENT.—In the
25 case of any calendar year after 2020, the

1 \$30,000,000 amounts contained in subpara-
2 graphs (C)(i), (D)(i), and (D)(iii)(II) shall each
3 be increased by an amount equal to—

4 “(i) such dollar amount, multiplied by

5 “(ii) the cost-of-living adjustment de-
6 termined under section 1(f)(3) for such
7 calendar year, determined by substituting
8 ‘calendar year 2019’ for ‘calendar year
9 2016’ in subparagraph (A)(ii) thereof.

10 Any increase determined under the preceding
11 sentence shall be rounded to the nearest mul-
12 tiple of \$100,000.”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to obligations issued after the date
15 of the enactment of this Act.

16 **SEC. 90104. VOLUME CAP ON PRIVATE ACTIVITY BONDS.**

17 (a) IN GENERAL.—Section 146(d)(1) is amended—

18 (1) by striking “\$75 (\$62.50 in the case of cal-
19 endar year 2001)” and inserting “\$135”, and

20 (2) by striking “\$225,000,000 (\$187,500,000
21 in the case of calendar year 2001)” and inserting
22 “\$402,220,000”.

23 (b) INFLATION ADJUSTMENT.—Section 146(d)(2) is
24 amended—

1 (1) by striking “2002” and inserting “2020”,
2 and

3 (2) by striking “2001” in subparagraph (B)
4 and inserting “2019”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to calendar years after 2020.

7 **SEC. 90105. MODIFICATIONS TO QUALIFIED SMALL ISSUE**
8 **BONDS.**

9 (a) MANUFACTURING FACILITIES TO INCLUDE PRO-
10 DDUCTION OF INTANGIBLE PROPERTY AND FUNCTIONALLY
11 RELATED FACILITIES.—Subparagraph (C) of section
12 144(a)(12) is amended to read as follows:

13 “(C) MANUFACTURING FACILITY.—For
14 purposes of this paragraph—

15 “(i) IN GENERAL.—The term ‘manu-
16 facturing facility’ means any facility
17 which—

18 “(I) is used in the manufacturing
19 or production of tangible personal
20 property (including the processing re-
21 sulting in a change in the condition of
22 such property),

23 “(II) is used in the creation or
24 production of intangible property

1 which is described in section
2 197(d)(1)(C)(iii), or

3 “(III) is functionally related and
4 subordinate to a facility described in
5 subclause (I) or (II) if such facility is
6 located on the same site as the facility
7 described in subclause (I) or (II).

8 “(ii) CERTAIN FACILITIES IN-
9 CLUDED.—The term ‘manufacturing facil-
10 ity’ includes facilities that are directly re-
11 lated and ancillary to a manufacturing fa-
12 cility (determined without regard to this
13 clause) if—

14 “(I) those facilities are located on
15 the same site as the manufacturing
16 facility, and

17 “(II) not more than 25 percent
18 of the net proceeds of the issue are
19 used to provide those facilities.

20 “(iii) LIMITATION ON OFFICE
21 SPACE.—A rule similar to the rule of sec-
22 tion 142(b)(2) shall apply for purposes of
23 clause (i).

24 “(iv) LIMITATION ON REFUNDINGS
25 FOR CERTAIN PROPERTY.—Subclauses (II)

1 and (III) of clause (i) shall not apply to
2 any bond issued on or before the date of
3 the enactment of the Renewable Energy,
4 Efficiency, and Infrastructure Tax Act of
5 2020, or to any bond issued to refund a
6 bond issued on or before such date (other
7 than a bond to which clause (iii) of this
8 subparagraph (as in effect before the date
9 of the enactment of the Renewable Energy,
10 Efficiency, and Infrastructure Tax Act of
11 2020) applies), either directly or in a series
12 of refundings.”.

13 (b) INCREASE IN LIMITATIONS.—Section 144(a)(4) is
14 amended—

15 (1) in subparagraph (A)(i), by striking
16 “\$10,000,000” and inserting “\$30,000,000”, and

17 (2) in the heading, by striking “\$10,000,000” and
18 inserting “\$30,000,000”.

19 (c) ADJUSTMENT FOR INFLATION.—Section
20 144(a)(4) is amended by adding at the end the following
21 new subparagraph:

22 “(H) ADJUSTMENT FOR INFLATION.—In
23 the case of any calendar year after 2020, the
24 \$30,000,000 amount in subparagraph (A) shall
25 be increased by an amount equal to—

1 “(i) such dollar amount, multiplied by

2 “(ii) the cost-of-living adjustment de-
3 termined under section 1(f)(3) for the cal-
4 endar year, determined by substituting
5 ‘calendar year 2019’ for ‘calendar year
6 2016’ in subparagraph (A)(ii) thereof.

7 If any amount as increased under the preceding
8 sentence is not a multiple of \$100,000, such
9 amount shall be rounded to the nearest multiple
10 of \$100,000.”.

11 (d) **EFFECTIVE DATE.**—The amendments made by
12 this section shall apply to obligations issued after the date
13 of the enactment of this Act.

14 **SEC. 90106. EXPANSION OF CERTAIN EXCEPTIONS TO THE**
15 **PRIVATE ACTIVITY BOND RULES FOR FIRST-**
16 **TIME FARMERS.**

17 (a) **INCREASE IN DOLLAR LIMITATION.**—

18 (1) **IN GENERAL.**—Section 147(c)(2)(A) is
19 amended by striking “\$450,000” and inserting
20 “\$552,500”.

21 (2) **REPEAL OF SEPARATE LOWER DOLLAR LIM-**
22 **ITATION ON USED FARM EQUIPMENT.**—Section
23 147(c)(2) is amended by striking subparagraph (F)
24 and by redesignating subparagraphs (G) and (H) as
25 subparagraphs (F) and (G), respectively.

1 (3) QUALIFIED SMALL ISSUE BOND LIMITATION
2 CONFORMED TO INCREASED DOLLAR LIMITATION.—
3 Section 144(a)(11)(A) is amended by striking
4 “\$250,000” and inserting “\$552,500”.

5 (4) INFLATION ADJUSTMENT.—

6 (A) IN GENERAL.—Section 147(c)(2)(G),
7 as redesignated by paragraph (2), is amended—

8 (i) by striking “after 2008, the dollar
9 amount in subparagraph (A) shall be in-
10 creased” and inserting “after 2020, the
11 dollar amounts in subparagraph (A) and
12 section 144(a)(11)(A) shall each be in-
13 creased”, and

14 (ii) in clause (ii), by striking “2007”
15 and inserting “2019”.

16 (B) CROSS-REFERENCE.—Section
17 144(a)(11) is amended by adding at the end the
18 following new subparagraph:

19 “(D) INFLATION ADJUSTMENT.—For infla-
20 tion adjustment of dollar amount contained in
21 subparagraph (A), see section 147(c)(2)(G).”.

22 (b) SUBSTANTIAL FARMLAND DETERMINED ON
23 BASIS OF AVERAGE RATHER THAN MEDIAN FARM
24 SIZE.—Section 147(c)(2)(E) is amended by striking “me-
25 dian” and inserting “average”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to bonds issued after the date of
3 the enactment of this Act.

4 **SEC. 90107. EXEMPT FACILITY BONDS FOR ZERO-EMISSION**
5 **VEHICLE INFRASTRUCTURE.**

6 (a) IN GENERAL.—Section 142 is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (14), by striking “or” at
9 the end,

10 (B) in paragraph (15), by striking the pe-
11 riod at the end and inserting “, or”, and

12 (C) by adding at the end the following new
13 paragraph:

14 “(16) zero-emission vehicle infrastructure.”,
15 and

16 (2) by adding at the end the following new sub-
17 section:

18 “(n) ZERO-EMISSION VEHICLE INFRASTRUCTURE.—

19 “(1) IN GENERAL.—For purposes of subsection
20 (a)(16), the term ‘zero-emission vehicle infrastruc-
21 ture’ means any property (not including a building
22 and its structural components) if such property is
23 part of a unit which—

24 “(A) is used to charge or fuel zero-emis-
25 sions vehicles,

1 “(B) is located where the vehicles are
2 charged or fueled,

3 “(C) is of a character subject to the allow-
4 ance for depreciation (or amortization in lieu of
5 depreciation),

6 “(D) is made available for use by members
7 of the general public,

8 “(E) accepts payment by use of a credit
9 card reader, and

10 “(F) is capable of charging or fueling vehi-
11 cles produced by more than one manufacturer
12 (within the meaning of section 30D(d)(3)).

13 “(2) INCLUSION OF UTILITY SERVICE CONNEC-
14 TIONS, ETC.—The term ‘zero-emission vehicle infra-
15 structure’ shall include any utility service connec-
16 tions, utility panel upgrades, line extensions and
17 conduit, transformer upgrades, or similar property,
18 in connection with property meeting the require-
19 ments of paragraph (1).

20 “(3) ZERO-EMISSIONS VEHICLE.—The term
21 ‘zero-emissions vehicle’ means—

22 “(A) a zero-emission vehicle as defined in
23 section 88.102–94 of title 40, Code of Federal
24 Regulations, or

1 “(B) a vehicle that produces zero exhaust
2 emissions of any criteria pollutant (or precursor
3 pollutant) or greenhouse gas under any possible
4 operational modes and conditions.

5 “(4) ZERO-EMISSIONS VEHICLE INFRASTRUC-
6 TURE LOCATED WITHIN OTHER FACILITIES OR
7 PROJECTS.—For purposes of subsection (a), any
8 zero-emission vehicle infrastructure located within—

9 “(A) a facility or project described in sub-
10 section (a), or

11 “(B) an area adjacent to a facility or
12 project described in subsection (a) that pri-
13 marily serves vehicles traveling to or from such
14 facility or project,

15 shall be treated as described in the paragraph in
16 which such facility or project is described.

17 “(5) EXCEPTION FOR REFUELING PROPERTY
18 FOR FLEET VEHICLES.—Subparagraphs (D), (E),
19 and (F) of paragraph (1) shall not apply to property
20 which is part of a unit which is used exclusively by
21 fleets of commercial or governmental vehicles.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to obligations issued after Decem-
24 ber 31, 2020.

1 **SEC. 90108. EXEMPT-FACILITY BONDS FOR SEWAGE AND**
2 **WATER SUPPLY FACILITIES.**

3 (a) BONDS FOR WATER AND SEWAGE FACILITIES
4 EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY
5 BONDS.—Section 146(g)(3) is amended by inserting “(4),
6 (5),” after “(2),”.

7 (b) CONFORMING CHANGE.—Paragraphs (2) and
8 (3)(B) of section 146(k) are each amended by striking
9 “(4), (5), (6),” and inserting “(6)”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to obligations issued after the date
12 of the enactment of this Act.

13 **SEC. 90109. QUALIFIED HIGHWAY OR SURFACE FREIGHT**
14 **TRANSFER FACILITY BONDS.**

15 (a) INCREASE IN LIMITATION.—Section
16 142(m)(2)(A) is amended by striking “\$15,000,000,000”
17 and inserting “\$18,750,000,000”.

18 (b) APPLICATION OF DAVIS-BACON ACT REQUIRE-
19 MENTS.—Section 142(m) is amended by adding at the end
20 the following new paragraph:

21 “(5) APPLICATION OF DAVIS-BACON ACT RE-
22 QUIREMENTS.—The provisions of subchapter IV of
23 chapter 31 of title 40, United States Code (com-
24 monly referred to as the “Davis-Bacon Act”) shall
25 apply with respect to any laborer or mechanic em-
26 ployed by a contractor or subcontractor using the

1 proceeds of an issue described in subsection
2 (a)(15).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to bonds issued after the date of
5 the enactment of this Act.

6 **Subtitle B—School Infrastructure** 7 **Bonds**

8 **SEC. 90111. RESTORATION OF CERTAIN QUALIFIED TAX** 9 **CREDIT BONDS.**

10 (a) ALLOWANCE OF CREDIT.—

11 (1) IN GENERAL.—Section 54A, as in effect be-
12 fore repeal by Public Law 115–97, is restored as if
13 such repeal had not taken effect.

14 (2) CREDIT LIMITED TO CERTAIN BONDS.—Sec-
15 tion 54A(d)(1), as restored by paragraph (1), is
16 amended by striking subparagraphs (A), (B), and
17 (C).

18 (b) CREDIT ALLOWED TO ISSUER.—

19 (1) IN GENERAL.—Section 6431, as in effect
20 before repeal by Public Law 115–97, is restored as
21 if such repeal had not taken effect.

22 (2) SCHOOL INFRASTRUCTURE BONDS.—Sec-
23 tion 6431(f)(3), as restored by paragraph (1), is
24 amended by inserting “any school infrastructure

1 bond (as defined in section 54BB) or” before “any
2 qualified tax credit bond”.

3 (c) QUALIFIED ZONE ACADEMY BONDS.—

4 (1) IN GENERAL.—Section 54E, as in effect be-
5 fore repeal by Public Law 115–97, is restored as if
6 such repeal had not taken effect.

7 (2) REMOVAL OF PRIVATE BUSINESS CON-
8 TRIBUTION REQUIREMENT.—Section 54E, as re-
9 stored by paragraph (1), is amended—

10 (A) in subsection (a)(3), by inserting
11 “and” at the end of subparagraph (A), by strik-
12 ing subparagraph (B), and by redesignating
13 subparagraph (C) as subparagraph (B);

14 (B) by striking subsection (b); and

15 (C) in subsection (c)(1)—

16 (i) by striking “and \$400,000,000”
17 and inserting “\$400,000,000”; and

18 (ii) by striking “and, except as pro-
19 vided” and all that follows through the pe-
20 riod at the end and inserting “, and
21 \$1,400,000,000 for 2020 and each year
22 thereafter.”.

23 (3) CONSTRUCTION OF A PUBLIC SCHOOL FA-
24 CILITY.—Section 54E(d)(3)(A), as restored by para-
25 graph (1), is amended by striking “rehabilitating or

1 repairing” and inserting “constructing, rehabili-
2 tating, retrofitting, or repairing”.

3 (d) CONFORMING AMENDMENTS.—

4 (1) So much of subpart I of part IV of sub-
5 chapter A of chapter 1 as precedes section 54A, as
6 in effect before repeal by Public Law 115-97, is re-
7 stored as if such repeal had not taken effect.

8 (2) The table of sections for such subpart I, as
9 restored by paragraph (1), is amended by striking
10 the items relating to sections 54B, 54C, 54D, and
11 54F.

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to obligations issued after Decem-
14 ber 31, 2020.

15 **SEC. 90112. SCHOOL INFRASTRUCTURE BONDS.**

16 (a) IN GENERAL.—Part IV of subchapter A of chap-
17 ter 1 is amended by inserting after subpart I (as restored
18 by section 90111) the following new subpart:

19 **“Subpart J—School Infrastructure Bonds**

 “Sec. 54BB. School infrastructure bonds.

20 **“SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.**

21 “(a) IN GENERAL.—If a taxpayer holds a school in-
22 frastructure bond on one or more interest payment dates
23 of the bond during any taxable year, there shall be allowed
24 as a credit against the tax imposed by this chapter for

1 the taxable year an amount equal to the sum of the credits
2 determined under subsection (b) with respect to such
3 dates.

4 “(b) AMOUNT OF CREDIT.—The amount of the credit
5 determined under this subsection with respect to any in-
6 terest payment date for a school infrastructure bond is
7 100 percent of the amount of interest payable by the
8 issuer with respect to such date.

9 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

10 “(1) IN GENERAL.—The credit allowed under
11 subsection (a) for any taxable year shall not exceed
12 the excess of—

13 “(A) the sum of the regular tax liability
14 (as defined in section 26(b)) plus the tax im-
15 posed by section 55, over

16 “(B) the sum of the credits allowable
17 under this part (other than subpart C and this
18 subpart).

19 “(2) CARRYOVER OF UNUSED CREDIT.—If the
20 credit allowable under subsection (a) exceeds the
21 limitation imposed by paragraph (1) for such taxable
22 year, such excess shall be carried to the succeeding
23 taxable year and added to the credit allowable under
24 subsection (a) for such taxable year (determined be-

1 fore the application of paragraph (1) for such suc-
2 ceeding taxable year).

3 “(d) SCHOOL INFRASTRUCTURE BOND.—

4 “(1) IN GENERAL.—For purposes of this sec-
5 tion, the term ‘school infrastructure bond’ means
6 any bond issued as part of an issue if—

7 “(A) 100 percent of the available project
8 proceeds of such issue are to be used for the
9 purposes described in section 70112 of the
10 Moving Forward Act,

11 “(B) the interest on such obligation would
12 (but for this section) be excludable from gross
13 income under section 103,

14 “(C) the issue meets the requirements of
15 paragraph (3), and

16 “(D) the issuer designates such bond for
17 purposes of this section.

18 “(2) APPLICABLE RULES.—For purposes of ap-
19 plying paragraph (1)—

20 “(A) for purposes of section 149(b), a
21 school infrastructure bond shall not be treated
22 as federally guaranteed by reason of the credit
23 allowed under section 6431(a),

24 “(B) for purposes of section 148, the yield
25 on a school infrastructure bond shall be deter-

1 mined without regard to the credit allowed
2 under subsection (a), and

3 “(C) a bond shall not be treated as a
4 school infrastructure bond if the issue price has
5 more than a de minimis amount (determined
6 under rules similar to the rules of section
7 1273(a)(3)) of premium over the stated prin-
8 cipal amount of the bond.

9 “(3) 6-YEAR EXPENDITURE PERIOD.—

10 “(A) IN GENERAL.—An issue shall be
11 treated as meeting the requirements of this
12 paragraph if, as of the date of issuance, the
13 issuer reasonably expects 100 percent of the
14 available project proceeds to be spent for pur-
15 poses described in section 70112 of the Moving
16 Forward Act within the 6-year period beginning
17 on such date of issuance.

18 “(B) FAILURE TO SPEND REQUIRED
19 AMOUNT OF BOND PROCEEDS WITHIN 6
20 YEARS.—To the extent that less than 100 per-
21 cent of the available project proceeds of the
22 issue are expended at the close of the period de-
23 scribed in subparagraph (A) with respect to
24 such issue, the issuer shall redeem all of the
25 nonqualified bonds within 90 days after the end

1 of such period. For purposes of this paragraph,
2 the amount of the nonqualified bonds required
3 to be redeemed shall be determined in the same
4 manner as under section 142.

5 “(e) LIMITATION ON AMOUNT OF BONDS DES-
6 IGNATED.—The maximum aggregate face amount of
7 bonds issued during any calendar year which may be des-
8 ignated under subsection (d) by any issuer shall not exceed
9 the limitation amount allocated under subsection (g) for
10 such calendar year to such issuer.

11 “(f) NATIONAL LIMITATION ON AMOUNT OF BONDS
12 DESIGNATED.—The national qualified school infrastruc-
13 ture bond limitation for each calendar year is—

14 “(1) \$10,000,000,000 for 2021,

15 “(2) \$10,000,000,000 for 2022, and

16 “(3) \$10,000,000,000 for 2023.

17 “(g) ALLOCATION OF LIMITATION.—

18 “(1) ALLOCATIONS.—

19 “(A) STATES.—After application of sub-
20 paragraph (B) and paragraph (3)(A), the limi-
21 tation applicable under subsection (f) for any
22 calendar year shall be allocated by the Sec-
23 retary among the States in proportion to the re-
24 spective amounts received by all local edu-
25 cational agencies in each State under part A of

1 title I of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6311 et seq.) for
3 the previous fiscal year relative to the total such
4 amount received by all local educational agen-
5 cies in for the most recent fiscal year ending
6 before such calendar year.

7 “(B) CERTAIN POSSESSIONS.—One-half of
8 1 percent of the amount of the limitation appli-
9 cable under subsection (f) for any calendar year
10 shall be allocated by the Secretary to posses-
11 sions of the United States other than Puerto
12 Rico for such calendar year.

13 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
14 tion amount allocated to a State or possession under
15 paragraph (1) shall be allocated by the State edu-
16 cational agency (or such other agency as is author-
17 ized under State law to make such allocation) to
18 issuers within such State or possession in accord-
19 ance with the priorities described in section
20 70111(c) of the Moving Forward Act and the eligi-
21 bility requirements described in section 70111(b) of
22 such Act, except that paragraph (1)(C) of such sec-
23 tion shall not apply to the determination of eligibility
24 for such allocation.

25 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

1 “(A) IN GENERAL.—One-half of 1 percent
2 of the amount of the limitation applicable under
3 subsection (f) for any calendar year shall be al-
4 located by the Secretary to the Secretary of the
5 Interior for schools funded by the Bureau of In-
6 dian Affairs for such calendar year.

7 “(B) ALLOCATION TO SCHOOLS.—The lim-
8 itation amount allocated to the Secretary of the
9 Interior under paragraph (1) shall be allocated
10 by such Secretary to issuers or schools funded
11 as described in paragraph (2). In the case of
12 amounts allocated under the preceding sen-
13 tence, Indian tribal governments (as defined in
14 section 7701(a)(40)) shall be treated as quali-
15 fied issuers for purposes of this subchapter.

16 “(4) DIGITAL LEARNING.—Up to 10 percent of
17 the limitation amount allocated under paragraph (1)
18 or (3)(A) may be allocated by the State to issuers
19 within such State to carry out activities to improve
20 digital learning in accordance with section 70112(b)
21 of the Moving Forward Act.

22 “(h) INTEREST PAYMENT DATE.—For purposes of
23 this section, the term ‘interest payment date’ means any
24 date on which the holder of record of the school infrastruc-

1 ture bond is entitled to a payment of interest under such
2 bond.

3 “(i) SPECIAL RULES.—

4 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
5 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
6 ERAL INCOME TAX PURPOSES.—For purposes of this
7 title, interest on any school infrastructure bond shall
8 be includible in gross income.

9 “(2) APPLICATION OF CERTAIN RULES.—Rules
10 similar to the rules of subsections (f), (g), (h), and
11 (i) of section 54A shall apply for purposes of the
12 credit allowed under subsection (a).”.

13 (b) TRANSITIONAL COORDINATION WITH STATE
14 LAW.—Except as otherwise provided by a State after the
15 date of the enactment of this Act, the interest on any
16 school infrastructure bond (as defined in section 54BB of
17 the Internal Revenue Code of 1986, as added by this sec-
18 tion) and the amount of any credit determined under such
19 section with respect to such bond shall be treated for pur-
20 poses of the income tax laws of such State as being exempt
21 from Federal income tax.

22 (c) APPLICATION OF CERTAIN LABOR STANDARDS
23 TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED
24 BONDS.—

1 (1) IN GENERAL.—Subchapter IV of chapter 31
2 of the title 40, United States Code, shall apply to
3 projects financed with the proceeds of—

4 (A) any school infrastructure bond (as de-
5 fined in section 54BB of the Internal Revenue
6 Code of 1986); and

7 (B) any qualified zone academy bond (as
8 defined in section 54E of the Internal Revenue
9 Code of 1986) issued after the date of the en-
10 actment of the American Recovery and Rein-
11 vestment Tax Act of 2009.

12 (2) CONFORMING AMENDMENT.—Section 1601
13 of the American Recovery and Reinvestment Tax
14 Act of 2009 is amended by striking paragraph (3)
15 and redesignating paragraphs (4) and (5) as para-
16 graphs (3) and (4), respectively.

17 (d) CLERICAL AMENDMENTS.—The table of subparts
18 for part IV of subchapter A of chapter 1 is amended by
19 adding at the end the following:

“SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

20 (e) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to obligations issued after Decem-
22 ber 31, 2020.

23 **SEC. 90113. ANNUAL REPORT ON BOND PROGRAM.**

24 (a) IN GENERAL.—Not later than September 30 of
25 each fiscal year beginning after the date of the enactment

1 of this Act, the Secretary of the Treasury shall submit
2 to the appropriate congressional committees a report on
3 the school infrastructure bond program.

4 (b) ELEMENTS.—The report under paragraph (1)
5 shall include, with respect to the fiscal year preceding the
6 year in which the report is submitted, the following:

7 (1) An identification of—

8 (A) each local educational agency that re-
9 ceived funds from a school infrastructure bond;
10 and

11 (B) each local educational agency that was
12 eligible to receive such funds—

13 (i) but did not receive such funds; or

14 (ii) received less than the maximum
15 amount of funds for which the agency was
16 eligible.

17 (2) With respect to each local educational agen-
18 cy described in paragraph (1)—

19 (A) an assessment of the capacity of the
20 agency to raise funds for the long-term im-
21 provement of public school facilities, as deter-
22 mined by an assessment of—

23 (i) the current and historic ability of
24 the agency to raise funds for construction,
25 renovation, modernization, and major re-

1 pair projects for schools, including the abil-
2 ity of the agency to raise funds through
3 imposition of property taxes;

4 (ii) whether the agency has been able
5 to issue bonds to fund construction
6 projects, including—

7 (I) qualified zone academy bonds
8 under section 54E of the Internal
9 Revenue Code of 1986; and

10 (II) school infrastructure bonds
11 under section 54BB of the Internal
12 Revenue Code of 1986; and

13 (iii) the bond rating of the agency;

14 (B) the demographic composition of the
15 student population served by the agency,
16 disaggregated by—

17 (i) race;

18 (ii) the number and percentage of stu-
19 dents counted under section 1124(c) of the
20 Elementary and Secondary Education Act
21 of 1965 (20 U.S.C. 6333(c)); and

22 (iii) the number and percentage of
23 students who are eligible for a free or re-
24 duced price lunch under the Richard B.

1 Russell National School Lunch Act (42
2 U.S.C. 1751 et seq.);

3 (C) the population density of the geo-
4 graphic area served by the agency;

5 (D) a description of the projects carried
6 out with funds received from school infrastruc-
7 ture bonds;

8 (E) a description of the demonstrable or
9 expected benefits of the projects; and

10 (F) the estimated number of jobs created
11 by the projects.

12 (3) The total dollar amount of all funds re-
13 ceived by local educational agencies from school in-
14 frastructure bonds.

15 (4) Any other factors that the Secretary of the
16 Treasury determines to be appropriate.

17 (c) INFORMATION COLLECTION.—A State or local
18 educational agency that receives funds from a school infra-
19 structure bond shall—

20 (1) annually compile the information necessary
21 for the Secretary of the Treasury to determine the
22 elements described in subsection (b); and

23 (2) report the information to the Secretary of
24 the Treasury at such time and in such manner as
25 the Secretary of the Treasury may require.

1 **Subtitle C—Other Provisions Re-**
2 **lated to Infrastructure Financ-**
3 **ing**

4 **SEC. 90121. CREDIT FOR OPERATIONS AND MAINTENANCE**
5 **COSTS OF GOVERNMENT-OWNED**
6 **BROADBAND.**

7 (a) IN GENERAL.—Subchapter B of chapter 65, as
8 amended by the preceding provisions of this Act, is amend-
9 ed by adding at the end the following new section:

10 **“SEC. 6431B. CREDIT FOR OPERATIONS AND MAINTENANCE**
11 **COSTS OF GOVERNMENT-OWNED**
12 **BROADBAND.**

13 “(a) IN GENERAL.—In the case of any eligible gov-
14 ernmental entity, there shall be allowed a credit equal to
15 the applicable percentage of the qualified broadband ex-
16 penses paid or incurred by such entity during the taxable
17 year which credit shall be payable by the Secretary as pro-
18 vided in subsection (b).

19 “(b) PAYMENT OF CREDIT.—Upon receipt from an
20 eligible governmental entity of such information as the
21 Secretary may require for purposes of carrying out this
22 section, the Secretary shall pay to such entity the amount
23 of the credit determined under subsection (a) for the tax-
24 able year.

1 “(c) LIMITATION.—The amount of qualified
2 broadband expenses taken into account under this section
3 for any taxable year with respect to any qualified
4 broadband network shall not exceed the product of \$400
5 multiplied by the number of qualified households sub-
6 scribed to the qualified broadband service provided by
7 such network (determined as of any time during such tax-
8 able year).

9 “(d) DEFINITIONS.—For purposes of this section—

10 “(1) APPLICABLE PERCENTAGE.—The term
11 ‘applicable percentage’ means—

12 “(A) in the case of any taxable year begin-
13 ning in 2020 through 2025, 30 percent,

14 “(B) in the case of any taxable year begin-
15 ning in 2026, 26 percent, and

16 “(C) in the case of any taxable year begin-
17 ning in 2027, 24 percent.

18 “(2) ELIGIBLE GOVERNMENTAL ENTITY.—The
19 term ‘eligible governmental entity’ means—

20 “(A) any State, local, or Indian tribal gov-
21 ernment,

22 “(B) any political subdivision or instru-
23 mentality of any government described in sub-
24 paragraph (A), and

1 “(C) any entity wholly owned by one or
2 more entities described in subparagraph (A) or
3 (B).

4 For purposes of this paragraph, the term ‘State’ in-
5 cludes any possession of the United States.

6 “(3) QUALIFIED BROADBAND EXPENSES.—The
7 term ‘qualified broadband expenses’ means so much
8 of the amounts paid or incurred for the operation
9 and maintenance of a qualified broadband network
10 as are properly allocable to qualified households sub-
11 scribed to the qualified broadband service provided
12 by such network.

13 “(4) QUALIFIED HOUSEHOLD.—The term
14 ‘qualified household’ means a personal residence
15 which—

16 “(A) is located in a low-income community
17 (as defined in section 45D(e)), and

18 “(B) did not have access to qualified
19 broadband service from the eligible govern-
20 mental entity (determined as of the beginning
21 of the taxable year of such entity).

22 “(5) QUALIFIED BROADBAND NETWORK.—The
23 term ‘qualified broadband network’ means property
24 owned by an eligible governmental entity and used

1 for the purpose of providing qualified broadband
2 service.

3 “(6) QUALIFIED BROADBAND SERVICE.—The
4 term ‘qualified broadband service’ means fixed, ter-
5 restrial broadband service providing downloads at a
6 speed of at least 25 megabits per second and
7 uploads at a speed of at least 3 megabits per second.

8 “(7) TAXABLE YEAR.—Except as otherwise pro-
9 vided by the Secretary, the term ‘taxable year’
10 means, with respect to any eligible governmental en-
11 tity, the fiscal year of such entity.

12 “(e) SPECIAL RULES.—

13 “(1) ALLOCATIONS.—For purposes of sub-
14 section (d)(3), amounts shall be treated as properly
15 allocated if allocated ratably among the subscribers
16 of the qualified broadband service.

17 “(2) DENIAL OF DOUBLE BENEFIT.—Qualified
18 broadband expenses shall not include any amount
19 which is paid or reimbursed (directly or indirectly)
20 by any grant from the Federal Government.

21 “(f) REGULATIONS.—The Secretary may prescribe
22 such regulations and other guidance as may be necessary
23 or appropriate to carry out this section.

1 “(g) TERMINATION.—No credit shall be allowed
2 under this section for any taxable year beginning after De-
3 cember 31, 2027.”.

4 (a) GROSS-UP OF PAYMENT TO ISSUERS IN CASE OF
5 SEQUESTRATION.—In the case of any payment under sec-
6 tion 6431B(b) of the Internal Revenue Code of 1986 made
7 after the date of the enactment of this Act to which se-
8 questration applies, the amount of such payment shall be
9 increased to an amount equal to—

10 (1) such payment (determined before such se-
11 questration), multiplied by

12 (2) the quotient obtained by dividing 1 by the
13 amount by which 1 exceeds the percentage reduction
14 in such payment pursuant to such sequestration.

15 For purposes of this subsection, the term “sequestration”
16 means any reduction in direct spending ordered in accord-
17 ance with a sequestration report prepared by the Director
18 of the Office and Management and Budget pursuant to
19 the Balanced Budget and Emergency Deficit Control Act
20 of 1985 or the Statutory Pay-As-You-Go Act of 2010.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 1324(b)(2) of title 31, United
23 States Code, is amended by striking “or 6431A”
24 and inserting “6431A, or 6431B”.

1 (2) The table of sections for subchapter B of
2 chapter 65, as amended by the preceding provisions
3 of this Act, is amended by adding at the end the fol-
4 lowing new item:

 “Sec. 6431B. Credit for operations and maintenance costs of government-
 owned broadband.”.

5 (c) **EFFECTIVE DATE.**—The amendments made by
6 this section shall apply to taxable years beginning after
7 December 31, 2019.

8 **SEC. 90122. TREATMENT OF FINANCIAL GUARANTY INSUR-**
9 **ANCE COMPANIES AS QUALIFYING INSUR-**
10 **ANCE CORPORATIONS UNDER PASSIVE FOR-**
11 **EIGN INVESTMENT COMPANY RULES.**

12 (a) **IN GENERAL.**—Section 1297(f)(3) is amended by
13 adding at the end the following new subparagraph:

14 “(C) **SPECIAL RULE FOR FINANCIAL GUAR-**
15 **ANTY INSURANCE COMPANIES.**—

16 “(i) **IN GENERAL.**—Notwithstanding
17 subparagraphs (A)(ii) and (B), the applica-
18 ble insurance liabilities of a financial guar-
19 anty insurance company shall include its
20 unearned premium reserves if—

21 “(I) such company is prohibited
22 under generally accepted accounting
23 principles from reporting on its applica-
24 ble financial statements reserves for

1 losses and loss adjustment expenses
2 with respect to a financial guaranty
3 insurance or reinsurance contract ex-
4 cept to the extent that such reserve
5 amounts are expected to exceed the
6 unearned premium reserves on the
7 contract,

8 “(II) the applicable financial
9 statement of such company reports fi-
10 nancial guaranty exposure of at least
11 15-to-1, and

12 “(III) such company includes in
13 its insurance liabilities only its un-
14 earned premium reserves relating to
15 insurance written or assumed that is
16 within the single risk limits set forth
17 in subsection (D) of section 4 of the
18 Financial Guaranty Insurance Guide-
19 line (modified by using total share-
20 holder’s equity as reported on the ap-
21 plicable financial statement of the
22 company rather than aggregate of the
23 surplus to policyholders and contin-
24 gency reserves).

1 “(ii) FINANCIAL GUARANTY INSUR-
2 ANCE COMPANY.—For purposes of this
3 subparagraph, the term ‘financial guaranty
4 insurance company’ means any insurance
5 company the sole business of which is writ-
6 ing or reinsuring financial guaranty insur-
7 ance (as defined in subsection (A) of sec-
8 tion 1 of the Financial Guaranty Insurance
9 Guideline) which is permitted under sub-
10 section (B) of section 4 of such Guideline.

11 “(iii) FINANCIAL GUARANTY EXPO-
12 SURE.—For purposes of this subpara-
13 graph, the term ‘financial guaranty expo-
14 sure’ means the ratio of—

15 “(I) the net debt service out-
16 standing insured or reinsured by the
17 company that is within the single risk
18 limits set forth in the Financial Guar-
19 anty Insurance Guideline (as reported
20 on such company’s applicable financial
21 statement), to

22 “(II) the company’s total assets
23 (as so reported).

1 “(iv) FINANCIAL GUARANTY INSUR-
2 ANCE GUIDELINE.—For purposes of this
3 subparagraph—

4 “(I) IN GENERAL.—The term
5 ‘Financial Guaranty Insurance Guide-
6 line’ means the October 2008 model
7 regulation that was adopted by the
8 National Association of Insurance
9 Commissioners on December 4, 2007.

10 “(II) DETERMINATIONS MADE BY
11 SECRETARY.—The determination of
12 whether any provision of the Financial
13 Guaranty Insurance Guideline has
14 been satisfied shall be made by the
15 Secretary.”.

16 (b) REPORTING OF CERTAIN ITEMS.—Section
17 1297(f)(4) is amended by adding at the end the following
18 new subparagraph:

19 “(C) CLARIFICATION THAT CERTAIN ITEMS
20 ON APPLICABLE FINANCIAL STATEMENT BE
21 SEPARATELY REPORTED WITH RESPECT TO
22 CORPORATION.—An amount described in para-
23 graph (1)(B) or clause (i)(II), (i)(III), (iii)(I),
24 or (iii)(II) of paragraph (3)(C) shall not be
25 treated as reported on an applicable financial

1 statement for purposes of this section unless
2 such amount is separately reported on such
3 statement with respect to the corporation re-
4 ferred to in paragraph (1).

5 “(D) AUTHORITY OF SECRETARY TO RE-
6 QUIRE REPORTING.—

7 “(i) IN GENERAL.—Each United
8 States person who owns an interest in a
9 specified non-publicly traded foreign cor-
10 poration and who takes the position that
11 such corporation is not a passive foreign
12 investment company shall report to the
13 Secretary such information with respect to
14 such corporation as the Secretary may re-
15 quire.

16 “(ii) SPECIFIED NON-PUBLICLY TRAD-
17 ED FOREIGN CORPORATION.—For purposes
18 of this subparagraph, the term ‘specified
19 non-publicly traded foreign corporation’
20 means any foreign corporation—

21 “(I) which would be a passive
22 foreign investment company if sub-
23 section (b)(2)(B) did not apply, and

1 “(II) no interest in which is trad-
2 ed on an established securities mar-
3 ket.”.

4 (c) EFFECTIVE DATE.—

5 (1) IN GENERAL.—Except as otherwise pro-
6 vided in this subsection, the amendments made by
7 this section shall take effect as if included in section
8 14501 of Public Law 115–97.

9 (2) REPORTING.—The amendment made by
10 subsection (b) shall apply to reports made after the
11 date of the enactment of this Act.

12 **SEC. 90123. INFRASTRUCTURE GRANTS TO IMPROVE CHILD**
13 **CARE SAFETY.**

14 (a) IN GENERAL.—Part A of title IV of the Social
15 Security Act (42 U.S.C. 601 et seq.) is amended by insert-
16 ing after section 418 the following:

17 **“SEC. 418A. INFRASTRUCTURE GRANTS TO IMPROVE CHILD**
18 **CARE SAFETY.**

19 “(a) SHORT TITLE.—This section may be cited as the
20 ‘Infrastructure Grants To Improve Child Care Safety Act
21 of 2020’.

22 “(b) NEEDS ASSESSMENTS.—

23 “(1) IMMEDIATE NEEDS ASSESSMENT.—

24 “(A) IN GENERAL.—The Secretary shall
25 conduct an immediate needs assessment of the

1 condition of child care facilities throughout the
2 United States (with priority given to child care
3 facilities that receive Federal funds), that—

4 “(i) determines the extent to which
5 the COVID-19 pandemic has created im-
6 mediate infrastructure needs, including in-
7 frastructure-related health and safety
8 needs, which must be addressed for child
9 care facilities to operate in compliance with
10 public health guidelines;

11 “(ii) considers the effects of the pan-
12 demic on a variety of child care centers, in-
13 cluding home-based centers; and

14 “(iii) considers how the pandemic has
15 impacted specific metrics, such as—

16 “(I) capacity;

17 “(II) investments in infrastruc-
18 ture changes;

19 “(III) the types of infrastructure
20 changes centers need to implement
21 and their associated costs;

22 “(IV) the price of tuition; and

23 “(V) any changes or anticipated
24 changes in the number and demo-
25 graphic of children attending.

1 “(B) TIMING.—The immediate needs as-
2 sessment should occur simultaneously with the
3 first grant-making cycle under subsection (c).

4 “(C) REPORT.—Not later than 1 year
5 after the date of the enactment of this section,
6 the Secretary shall submit to the Congress a re-
7 port containing the result of the needs assess-
8 ment conducted under subparagraph (A), and
9 make the assessment publicly available.

10 “(2) LONG-TERM NEEDS ASSESSMENT.—

11 “(A) IN GENERAL.—The Secretary shall
12 conduct a long-term assessment of the condition
13 of child care facilities throughout the United
14 States (with priority given to child care facili-
15 ties that receive Federal funds). The assess-
16 ment may be conducted through representative
17 random sampling.

18 “(B) REPORT.—Not later than 4 years
19 after the date of the enactment of this section,
20 the Secretary shall submit to the Congress a re-
21 port containing the results of the needs assess-
22 ment conducted under subparagraph (A), and
23 make the assessment publicly available.

24 “(c) CHILD CARE FACILITIES GRANTS.—

25 “(1) GRANTS TO STATES.—

1 “(A) IN GENERAL.—The Secretary may
2 award grants to States for the purpose of ac-
3 quiring, constructing, renovating, or improving
4 child care facilities, including adapting, re-
5 configuring, or expanding facilities to respond
6 to the COVID-19 pandemic.

7 “(B) PRIORITIZED FACILITIES.—The Sec-
8 retary may not award a grant to a State under
9 subparagraph (A) unless the State involved
10 agrees, with respect to the use of grant funds,
11 to prioritize—

12 “(i) child care facilities primarily serv-
13 ing low-income populations;

14 “(ii) child care facilities primarily
15 serving children who have not attained the
16 age of 5 years;

17 “(iii) child care facilities that closed
18 during the COVID-19 pandemic and are
19 unable to open without making modifica-
20 tions to the facility that would otherwise be
21 required to ensure the health and safety of
22 children and staff; and

23 “(iv) child care facilities that serve the
24 children of parents classified as essential
25 workers during the COVID-19 pandemic.

1 “(C) DURATION OF GRANTS.—A grant
2 under this subsection shall be awarded for a pe-
3 riod of not more than 5 years.

4 “(D) APPLICATION.—To seek a grant
5 under this subsection, a State shall submit to
6 the Secretary an application at such time, in
7 such manner, and containing such information
8 as the Secretary may require, which informa-
9 tion shall—

10 “(i) be disaggregated as the Secretary
11 may require; and

12 “(ii) include a plan to use a portion of
13 the grant funds to report back to the Sec-
14 retary on the impact of using the grant
15 funds to improve child care facilities.

16 “(E) PRIORITY.—In selecting States for
17 grants under this subsection, the Secretary
18 shall prioritize States that—

19 “(i) plan to improve center-based and
20 home-based child care programs, which
21 may include a combination of child care
22 and early Head Start or Head Start pro-
23 grams;

1 “(ii) aim to meet specific needs across
2 urban, suburban, or rural areas as deter-
3 mined by the State; and

4 “(iii) show evidence of collaboration
5 with—

6 “(I) local government officials;

7 “(II) other State agencies;

8 “(III) nongovernmental organiza-
9 tions, such as—

10 “(aa) organizations within
11 the philanthropic community;

12 “(bb) certified community
13 development financial institutions
14 as defined in section 103 of the
15 Community Development Bank-
16 ing and Financial Institutions
17 Act of 1994 (12 U.S.C. 4702)
18 that have been certified by the
19 Community Development Finan-
20 cial Institutions Fund (12 U.S.C.
21 4703); and

22 “(cc) organizations that
23 have demonstrated experience
24 in—

1 “(AA) providing tech-
2 nical or financial assistance
3 for the acquisition, construc-
4 tion, renovation, or improve-
5 ment of child care facilities;

6 “(BB) providing tech-
7 nical, financial, or manage-
8 rial assistance to child care
9 providers; and

10 “(CC) securing private
11 sources of capital financing
12 for child care facilities or
13 other low-income community
14 development projects; and

15 “(IV) local community organiza-
16 tions, such as—

17 “(aa) child care providers;

18 “(bb) community care agen-
19 cies;

20 “(cc) resource and referral
21 agencies; and

22 “(dd) unions.

23 “(F) CONSIDERATION.—In selecting States
24 for grants under this subsection, the Secretary
25 shall consider—

1 “(i) whether the applicant—
2 “(I) has or is developing a plan
3 to address child care facility needs;
4 and
5 “(II) demonstrates the capacity
6 to execute such a plan; and
7 “(ii) after the date the report required
8 by subsection (b)(1)(C) is submitted to the
9 Congress, the needs of the applicants
10 based on the results of the assessment.
11 “(G) DIVERSITY OF AWARDS.—In award-
12 ing grants under this section, the Secretary
13 shall give equal consideration to States with
14 varying capacities under subparagraph (F).
15 “(H) MATCHING REQUIREMENT.—
16 “(i) IN GENERAL.—As a condition for
17 the receipt of a grant under subparagraph
18 (A), a State that is not an Indian tribe
19 shall agree to make available (directly or
20 through donations from public or private
21 entities) contributions with respect to the
22 cost of the activities to be carried out pur-
23 suant to subparagraph (A), which may be
24 provided in cash or in kind, in an amount

1 equal to 10 percent of the funds provided
2 through the grant.

3 “(ii) DETERMINATION OF AMOUNT
4 CONTRIBUTED.—Contributions required by
5 clause (i) may include—

6 “(I) amounts provided by the
7 Federal Government, or services as-
8 sisted or subsidized to any significant
9 extent by the Federal Government; or

10 “(II) philanthropic or private-sec-
11 tor funds.

12 “(I) REPORT.—Not later than 6 months
13 after the last day of the grant period, a State
14 receiving a grant under this paragraph shall
15 submit a report to the Secretary as described in
16 subparagraph (D)—

17 “(i) to determine the effects of the
18 grant in constructing, renovating, or im-
19 proving child care facilities, including any
20 changes in response to the COVID-19 pan-
21 demic and any effects on access to and
22 quality of child care; and

23 “(ii) to provide such other information
24 as the Secretary may require.

1 “(J) AMOUNT LIMIT.—The annual amount
2 of a grant under this paragraph may not exceed
3 \$35,000,000.

4 “(2) GRANTS TO INTERMEDIARY ORGANIZA-
5 TIONS.—

6 “(A) IN GENERAL.—The Secretary may
7 award grants to intermediary organizations,
8 such as certified community development finan-
9 cial institutions, tribal organizations, or other
10 organizations with demonstrated experience in
11 child care facilities financing, for the purpose of
12 providing technical assistance, capacity build-
13 ing, and financial products to develop or finance
14 child care facilities.

15 “(B) APPLICATION.—A grant under this
16 paragraph may be made only to intermediary
17 organizations that submit to the Secretary an
18 application at such time, in such manner, and
19 containing such information as the Secretary
20 may require.

21 “(C) PRIORITY.—In selecting intermediary
22 organizations for grants under this subsection,
23 the Secretary shall prioritize intermediary orga-
24 nizations that—

1 “(i) demonstrate experience in child
2 care facility financing or related commu-
3 nity facility financing;

4 “(ii) demonstrate the capacity to as-
5 sist States and local governments in devel-
6 oping child care facilities and programs;

7 “(iii) demonstrate the ability to lever-
8 age grant funding to support financing
9 tools to build the capacity of child care
10 providers, such as through credit enhance-
11 ments;

12 “(iv) propose to meet a diversity of
13 needs across States and across urban, sub-
14 urban, and rural areas at varying types of
15 center-based, home-based, and other child
16 care settings, including early care pro-
17 grams located in freestanding buildings or
18 in mixed-use properties; and

19 “(v) propose to focus on child care fa-
20 cilities primarily serving low-income popu-
21 lations and children who have not attained
22 the age of 5 years.

23 “(D) AMOUNT LIMIT.—The amount of a
24 grant under this paragraph may not exceed
25 \$10,000,000.

1 “(3) REPORT.—Not later than the end of fiscal
2 year 2024, the Secretary shall submit to the Con-
3 gress a report on the effects of the grants provided
4 under this subsection, and make the report pub-
5 lically accessible.

6 “(d) LIMITATIONS ON AUTHORIZATION OF APPRO-
7 PRIATIONS.—

8 “(1) IN GENERAL.—To carry out this section,
9 there is authorized to be appropriated
10 \$10,000,000,000 for fiscal year 2020, which shall
11 remain available through fiscal year 2024.

12 “(2) RESERVATIONS OF FUNDS.—

13 “(A) INDIAN TRIBES.—The Secretary shall
14 reserve 3 percent of the total amount made
15 available to carry out this section, for payments
16 to Indian tribes.

17 “(B) TERRITORIES.—The Secretary shall
18 reserve 3 percent of the total amount made
19 available to carry out this section, for payments
20 to territories.

21 “(3) GRANTS FOR INTERMEDIARY ORGANIZA-
22 TIONS.—Not less than 10 percent and not more
23 than 15 percent of the total amount made available
24 to carry out this section may be used to carry out
25 subsection (c)(2).

1 “(4) LIMITATION ON USE OF FUNDS FOR
2 NEEDS ASSESSMENTS.—Not more than \$5,000,000
3 of the amounts made available to carry out this sec-
4 tion may be used to carry out subsection (b).

5 “(e) DEFINITION OF STATE.—In this section, the
6 term ‘State’ has the meaning provided in section 419, ex-
7 cept that it includes the Commonwealth of the Northern
8 Mariana Islands and any Indian tribe.”.

9 (b) EXEMPTION OF TERRITORY GRANTS FROM LIM-
10 TATION ON TOTAL PAYMENTS TO THE TERRITORIES.—
11 Section 1108(a)(2) of such Act (42 U.S.C. 1308(a)(2))
12 is amended by inserting “418A(c),” after “413(f),”.

13 **TITLE II—NEW MARKETS TAX**
14 **CREDIT**

15 **SEC. 90201. IMPROVEMENT AND PERMANENT EXTENSION**
16 **OF NEW MARKETS TAX CREDIT.**

17 (a) PERMANENT EXTENSION.—

18 (1) IN GENERAL.—Section 45D(f)(1) is amend-
19 ed by striking subparagraphs (G) and (H) and in-
20 serting the following new subparagraphs:

21 “(G) \$3,500,000,000 for each of calendar
22 years 2010 through 2018,

23 “(H) \$4,000,000,000 for calendar year
24 2019,

1 “(I) \$7,000,000,000 for calendar year
2 2020,

3 “(J) \$6,000,000,000 for calendar year
4 2021,

5 “(K) \$5,000,000,000 for calendar year
6 2022 and each calendar year thereafter.”.

7 (2) INFLATION ADJUSTMENT.—Section 45D(f)
8 is amended by adding at the end the following new
9 paragraph:

10 “(4) INFLATION ADJUSTMENT.—

11 “(A) IN GENERAL.—In the case of any cal-
12 endar year beginning after 2022, the dollar
13 amount in paragraph (1)(I) shall be increased
14 by an amount equal to—

15 “(i) such dollar amount, multiplied by

16 “(ii) the cost-of-living adjustment de-
17 termined under section 1(f)(3) for the cal-
18 endar year, determined by substituting
19 ‘calendar year 2021’ for ‘calendar year
20 2016’ in subparagraph (A)(ii) thereof.

21 “(B) ROUNDING RULE.—Any increase
22 under subparagraph (A) which is not a multiple
23 of \$1,000,000 shall be rounded to the nearest
24 multiple of \$1,000,000.”.

1 (3) CONFORMING AMENDMENT.—Section
2 45D(f)(3) is amended by striking the last sentence.

3 (b) ALTERNATIVE MINIMUM TAX RELIEF.—Sub-
4 paragraph (B) of section 38(c)(4) is amended—

5 (1) by redesignating clauses (v) through (xii) as
6 clauses (vi) through (xiii), respectively, and

7 (2) by inserting after clause (iv) the following
8 new clause:

9 “(v) the credit determined under sec-
10 tion 45D, but only with respect to credits
11 determined with respect to qualified equity
12 investments (as defined in section 45D(b))
13 initially made after December 31, 2020.”.

14 (c) EFFECTIVE DATES.—

15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in this subsection, the amendments made by
17 this section shall apply to new markets tax credit
18 limitation determined for calendar years after 2020.

19 (2) ALTERNATIVE MINIMUM TAX RELIEF.—The
20 amendments made by subsection (b) shall apply to
21 credits determined with respect to qualified equity
22 investments (as defined in section 45D(b) of the In-
23 ternal Revenue Code of 1986) initially made after
24 December 31, 2020.

1 (3) SPECIAL RULE FOR ALLOCATION OF IN-
2 CREASED 2019 LIMITATION.—The amount of the in-
3 crease in the new market tax credit limitation for
4 calendar year 2019 by reason of the amendments
5 made by subsection (a) shall be allocated in accord-
6 ance with section 45D(f)(2) of the Internal Revenue
7 Code of 1986 to qualified community development
8 entities (as defined in section 45D(c) of such Code)
9 which—

10 (A) submitted an allocation application
11 with respect to calendar year 2019, and

12 (B) either—

13 (i) did not receive an allocation for
14 such calendar year, or

15 (ii) received an allocation for such cal-
16 endar year in an amount less than the
17 amount requested in the allocation applica-
18 tion.

19 **TITLE III—REHABILITATION TAX** 20 **CREDIT**

21 **SEC. 90301. INCREASE IN REHABILITATION CREDIT.**

22 (a) IN GENERAL.—Section 47(a)(2) is amended by
23 striking “20 percent” and inserting “the applicable per-
24 centage”.

1 (b) APPLICABLE PERCENTAGE.—Section 47(a) is
 2 amended by adding at the end the following new para-
 3 graph:

4 “(3) APPLICABLE PERCENTAGE.—For purposes
 5 of this subsection, the term ‘applicable percentage’
 6 means the percentage determined in accordance with
 7 the following table:

“In the case of a taxable year beginning in:	The applicable percentage is:
2020 through 2024	30 percent
2025	26 percent
2026	23 percent
2027 and thereafter	20 percent”.

8 (c) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to taxable years beginning after
 10 December 31, 2019.

11 **SEC. 90302. INCREASE IN THE REHABILITATION CREDIT**
 12 **FOR CERTAIN SMALL PROJECTS.**

13 (a) IN GENERAL.—Section 47 is amended by adding
 14 at the end the following new subsection:

15 “(e) SPECIAL RULE REGARDING CERTAIN SMALLER
 16 PROJECTS.—

17 “(1) IN GENERAL.—In the case of any smaller
 18 project—

19 “(A) the applicable percentage determined
 20 under subsection (a)(3) shall not be less than
 21 30 percent, and

1 “(B) the qualified rehabilitation expendi-
2 tures taken into account under this section with
3 respect to such project shall not exceed
4 \$2,500,000.

5 “(2) SMALLER PROJECT.—For purposes of this
6 subsection, the term ‘smaller project’ means the re-
7 habilitation of any qualified rehabilitated building
8 if—

9 “(A) the qualified rehabilitation expendi-
10 tures taken into account under this section (or
11 which would be so taken into account but for
12 paragraph (1)(B)) with respect to such rehabili-
13 tation do not exceed \$3,750,000,

14 “(B) no credit was allowed under this sec-
15 tion with respect to such building to any tax-
16 payer for either of the 2 taxable years imme-
17 diately preceding the first taxable year in which
18 expenditures described in subparagraph (A)
19 were paid or incurred, and

20 “(C) the taxpayer elects (at such time and
21 manner as the Secretary may provide) to have
22 this subsection apply with respect to such reha-
23 bilitation.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 2019.

4 **SEC. 90303. MODIFICATION OF DEFINITION OF SUBSTAN-**
5 **TIALLY REHABILITATED.**

6 (a) IN GENERAL.—Section 47(c)(1)(B)(i)(I) is
7 amended by inserting “50 percent of” before “the ad-
8 justed basis”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply to determinations with respect
11 to 24-month periods (referred to in clause (i) of section
12 47(c)(1)(B) of the Internal Revenue Code of 1986) and
13 60-month periods (referred to in clause (ii) of such sec-
14 tion) which begin after the date of the enactment of this
15 Act.

16 **SEC. 90304. TEMPORARY EXTENSION OF PERIOD FOR COM-**
17 **PLETING REHABILITATION.**

18 (a) IN GENERAL.—Section 47(c)(1)(B) is amended
19 by adding at the end the following new clause:

20 “(iv) TEMPORARY EXTENSION OF PE-
21 RIOD FOR COMPLETING REHABILITA-
22 TION.—In the case of any period selected
23 by a taxpayer which includes March 13,
24 2020 (determined without regard to this
25 clause), this subparagraph (and section

1 13402(b)(2) of Public Law 115-97) shall
2 be applied—

3 “(I) by substituting ‘36-month’
4 for ‘24-month’ each place it appears
5 therein, and

6 “(II) by substituting ‘72-month’
7 for ‘60-month’ each place it appears
8 therein.”.

9 (b) **EFFECTIVE DATE.**—The amendment made by
10 this section shall apply to periods which include March 13,
11 2020 (determined without regard to such amendment).

12 **SEC. 90305. ELIMINATION OF REHABILITATION CREDIT**
13 **BASIS ADJUSTMENT.**

14 (a) **IN GENERAL.**—Section 50(c) is amended by add-
15 ing at the end the following new paragraph:

16 “(6) **EXCEPTION FOR REHABILITATION CRED-**
17 **IT.**—In the case of the rehabilitation credit, para-
18 graph (1) shall not apply.”.

19 (b) **TREATMENT IN CASE OF CREDIT ALLOWED TO**
20 **LESSEE.**—Section 50(d) is amended by adding at the end
21 the following: “In the case of the rehabilitation credit,
22 paragraph (5)(B) of the section 48(d) referred to in para-
23 graph (5) of this subsection shall not apply.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 the date of the enactment of this Act.

4 **SEC. 90306. MODIFICATIONS REGARDING CERTAIN TAX-EX-**
5 **EMPT USE PROPERTY.**

6 (a) IN GENERAL.—Section 47(c)(2)(B)(v) is amend-
7 ed by adding at the end the following new subclause:

8 “(III) DISQUALIFIED LEASE
9 RULES TO APPLY ONLY IN CASE OF
10 GOVERNMENT ENTITY.—For purposes
11 of subclause (I), except in the case of
12 a tax-exempt entity described in sec-
13 tion 168(h)(2)(A)(i) (determined with-
14 out regard to the last sentence of sec-
15 tion 168(h)(2)(A)), the determination
16 of whether property is tax-exempt use
17 property shall be made under section
18 168(h) without regard to whether the
19 property is leased in a disqualified
20 lease (as defined in section
21 168(h)(1)(B)(ii)).”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to leases entered into after the date
24 of the enactment of this Act.

1 **SEC. 90307. QUALIFICATION OF REHABILITATION EXPENDI-**
2 **TURES FOR PUBLIC SCHOOL BUILDINGS FOR**
3 **REHABILITATION CREDIT.**

4 (a) IN GENERAL.—Section 47(c)(2)(B)(v) is amend-
5 ed by adding at the end the following new subclause:

6 “(III) CLAUSE NOT TO APPLY TO
7 PUBLIC SCHOOLS.—This clause shall
8 not apply in the case of the rehabilita-
9 tion of any building which was used
10 as a qualified public educational facil-
11 ity (as defined in section 142(k)(1),
12 determined without regard to sub-
13 paragraph (B) thereof) at any time
14 during the 5-year period ending on
15 the date that such rehabilitation be-
16 gins and which is used as such a facil-
17 ity immediately after such rehabilita-
18 tion.”.

19 (b) REPORT.—Not later than the date which is 5
20 years after the date of the enactment of this Act, the Sec-
21 retary of the Treasury, after consultation with the heads
22 of appropriate Federal agencies, shall report to Congress
23 on the effects resulting from the amendment made by sub-
24 section (a).

1 (c) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to property placed in service after
3 the date of the enactment of this Act.

4 **TITLE IV—GREEN ENERGY**

5 **SEC. 90400. SHORT TITLE.**

6 This title may be cited as the “Growing Renewable
7 Energy and Efficiency Now Act of 2020” or the “GREEN
8 Act of 2020”.

9 **Subtitle A—Renewable Electricity** 10 **and Reducing Carbon Emissions**

11 **SEC. 90401. EXTENSION OF CREDIT FOR ELECTRICITY PRO-** 12 **DUCTION FROM CERTAIN RENEWABLE RE-** 13 **SOURCES.**

14 (a) IN GENERAL.—The following provisions of sec-
15 tion 45(d) are each amended by striking “January 1,
16 2021” each place it appears and inserting “January 1,
17 2026”:

18 (1) Paragraph (2)(A).

19 (2) Paragraph (3)(A).

20 (3) Paragraph (6).

21 (4) Paragraph (7).

22 (5) Paragraph (9).

23 (6) Paragraph (11)(B).

24 (b) EXTENSION OF ELECTION TO TREAT QUALIFIED
25 FACILITIES AS ENERGY PROPERTY.—Section

1 48(a)(5)(C)(ii) is amended by striking “January 1, 2021”
2 and inserting “January 1, 2026”.

3 (c) APPLICATION OF EXTENSION TO WIND FACILI-
4 TIES.—

5 (1) IN GENERAL.—Section 45(d)(1) is amended
6 by striking “January 1, 2021” and inserting “Janu-
7 ary 1, 2026”.

8 (2) APPLICATION OF PHASEOUT PERCENT-
9 AGE.—

10 (A) RENEWABLE ELECTRICITY PRODUC-
11 TION CREDIT.—Sections 45(b)(5)(D) is amend-
12 ed by striking “and before January 1, 2021,”.

13 (B) ENERGY CREDIT.—Section
14 48(a)(5)(E)(iv) is amended by striking “and be-
15 fore January 1, 2021,”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to facilities the construction of
18 which begins after December 31, 2020.

19 **SEC. 90402. EXTENSION AND MODIFICATION OF ENERGY**
20 **CREDIT.**

21 (a) EXTENSION OF CREDIT.—The following provi-
22 sions of section 48 are each amended by striking “January
23 1, 2022” each place it appears and inserting “January
24 1, 2027”:

25 (1) Subsection (a)(3)(A)(ii).

1 (2) Subsection (a)(3)(A)(vii).

2 (3) Subsection (c)(1)(D).

3 (4) Subsection (c)(2)(D).

4 (5) Subsection (c)(3)(A)(iv).

5 (6) Subsection (c)(4)(C).

6 (b) PHASEOUT OF CREDIT.—Section 48(a) is amend-
7 ed—

8 (1) by striking “December 31, 2019” in para-
9 graphs (6)(A)(i) and (7)(A)(i) and inserting “De-
10 cember 31, 2025”,

11 (2) by striking “December 31, 2020” in para-
12 graphs (6)(A)(ii) and (7)(A)(ii) and inserting “De-
13 cember 31, 2026”,

14 (3) by striking “January 1, 2021” in para-
15 graphs (6)(A)(i) and (7)(A)(i) and inserting “Janu-
16 ary 1, 2027”,

17 (4) by striking “January 1, 2022” each place
18 it appears in paragraphs (6)(A), (6)(B), and (7)(A)
19 and inserting “January 1, 2028”, and

20 (5) by striking “January 1, 2024” in para-
21 graphs (6)(B) and (7)(B) and inserting “January 1,
22 2030”.

23 (c) 30 PERCENT CREDIT FOR SOLAR AND GEO-
24 THERMAL.—

1 (1) EXTENSION FOR SOLAR.—Section
2 48(a)(2)(A)(i)(II) is amended by striking “January
3 1, 2022” and inserting “January 1, 2028”.

4 (2) APPLICATION TO GEOTHERMAL.—

5 (A) IN GENERAL.—Paragraphs
6 (2)(A)(i)(II), (6)(A), and (6)(B) of section
7 48(a) are each amended by striking “paragraph
8 (3)(A)(i)” and inserting “clause (i) or (iii) of
9 paragraph (3)(A)”.

10 (B) CONFORMING AMENDMENT.—The
11 heading of section 48(a)(6) is amended by in-
12 serting “AND GEOTHERMAL” after “SOLAR EN-
13 ERGY”.

14 (d) ENERGY STORAGE TECHNOLOGIES; WASTE EN-
15 ERGY RECOVERY PROPERTY; QUALIFIED BIOGAS PROP-
16 ERTY.—

17 (1) IN GENERAL.—Section 48(a)(3)(A) is
18 amended by striking “or” at the end of clause (vi),
19 and by adding at the end the following new clauses:

20 “(viii) energy storage technology,

21 “(ix) waste energy recovery property,

22 or

23 “(x) qualified biogas property.”

24 (2) APPLICATION OF 30 PERCENT CREDIT.—

25 Section 48(a)(2)(A)(i) is amended by striking “and”

1 at the end of subclauses (III) and (IV) and adding
2 at the end the following new subclauses:

3 “(V) energy storage technology,
4 “(VI) waste energy recovery
5 property, and
6 “(VII) qualified biogas property,
7 and”.

8 (3) APPLICATION OF PHASEOUT.—Section
9 48(a)(7) is amended—

10 (A) by inserting “energy storage tech-
11 nology, waste energy recovery property, quali-
12 fied biogas property,” after “qualified small
13 wind property,” and

14 (B) by striking “FIBER-OPTIC SOLAR,
15 QUALIFIED FUEL CELL, AND QUALIFIED SMALL
16 WIND” in the heading thereof and inserting
17 “CERTAIN OTHER”.

18 (4) DEFINITIONS.—Section 48(c) is amended
19 by adding at the end the following new paragraphs:

20 “(5) ENERGY STORAGE TECHNOLOGY.—

21 “(A) IN GENERAL.—The term ‘energy
22 storage technology’ means equipment (other
23 than equipment primarily used in the transpor-
24 tation of goods or individuals and not for the
25 production of electricity) which —

1 “(i) uses batteries, compressed air,
2 pumped hydropower, hydrogen storage (in-
3 cluding hydrolysis and electrolysis), ther-
4 mal energy storage, regenerative fuel cells,
5 flywheels, capacitors, superconducting
6 magnets, or other technologies identified
7 by the Secretary, after consultation with
8 the Secretary of Energy, to store energy
9 for conversion to electricity and has a ca-
10 pacity of not less than 5 kilowatt hours, or

11 “(ii) stores thermal energy to heat or
12 cool (or provide hot water for use in) a
13 structure (other than for use in a swim-
14 ming pool).

15 “(B) TERMINATION.—The term ‘energy
16 storage technology’ shall not include any prop-
17 erty the construction of which does not begin
18 before January 1, 2028.

19 “(6) WASTE ENERGY RECOVERY PROPERTY.—

20 “(A) IN GENERAL.—The term ‘waste en-
21 ergy recovery property’ means property that
22 generates electricity solely from heat from
23 buildings or equipment if the primary purpose
24 of such building or equipment is not the genera-
25 tion of electricity.

1 “(B) CAPACITY LIMITATION.—The term
2 ‘waste energy recovery property’ shall not in-
3 clude any property which has a capacity in ex-
4 cess of 50 megawatts.

5 “(C) NO DOUBLE BENEFIT.—Any waste
6 energy recovery property (determined without
7 regard to this subparagraph) which is part of a
8 system which is a combined heat and power sys-
9 tem property shall not be treated as waste en-
10 ergy recovery property for purposes of this sec-
11 tion unless the taxpayer elects to not treat such
12 system as a combined heat and power system
13 property for purposes of this section.

14 “(D) TERMINATION.—The term ‘waste en-
15 ergy recovery property’ shall not include any
16 property the construction of which does not
17 begin before January 1, 2028.

18 “(7) QUALIFIED BIOGAS PROPERTY.—

19 “(A) IN GENERAL.—The term ‘qualified
20 biogas property’ means property comprising a
21 system which—

22 “(i) converts biomass (as defined in
23 section 45K(c)(3)) into a gas which—

24 “(I) consists of not less than 52
25 percent methane, or

1 “(II) is concentrated by such sys-
2 tem into a gas which consists of not
3 less than 52 percent methane, and

4 “(ii) captures such gas for productive
5 use.

6 “(B) INCLUSION OF CLEANING AND CON-
7 DITIONING PROPERTY.—The term ‘qualified
8 biogas property’ includes any property which is
9 part of such system which cleans or conditions
10 such gas.

11 “(C) TERMINATION.—The term ‘qualified
12 biogas property’ shall not include any property
13 the construction of which does not begin before
14 January 1, 2028.”.

15 (5) DENIAL OF DOUBLE BENEFIT FOR QUALI-
16 FIED BIOGAS PROPERTY.—Section 45(e) is amended
17 by adding at the end the following new paragraph:

18 “(12) COORDINATION WITH ENERGY CREDIT
19 FOR QUALIFIED BIOGAS PROPERTY.—The term
20 ‘qualified facility’ shall not include any facility which
21 produces electricity from gas produced by qualified
22 biogas property (as defined in section 48(c)(7)) if a
23 credit is determined under section 48 with respect to
24 such property for the taxable year or any prior tax-
25 able year.”.

1 (e) FUEL CELLS USING ELECTROMECHANICAL
2 PROCESSES.—

3 (1) IN GENERAL.—Section 48(c)(1) is amend-
4 ed—

5 (A) in subparagraph (A)(i)—

6 (i) by inserting “or electromechanical”
7 after “electrochemical”, and

8 (ii) by inserting “(1 kilowatts in the
9 case of a fuel cell power plant with a linear
10 generator assembly)” after “0.5 kilowatt”,
11 and

12 (B) in subparagraph (C)—

13 (i) by inserting “, or linear generator
14 assembly,” after “a fuel cell stack assem-
15 bly”, and

16 (ii) by inserting “or
17 electromechanical” after “electrochemical”.

18 (2) LINEAR GENERATOR ASSEMBLY LIMITA-
19 TION.—Section 48(c)(1) is amended by redesign-
20 ating subparagraph (D) as subparagraph (E) and
21 by inserting after subparagraph (C) the following
22 new subparagraph:

23 “(D) LINEAR GENERATOR ASSEMBLY.—
24 The term ‘linear generator assembly’ does not

1 include any assembly which contains rotating
2 parts.”.

3 (f) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to periods after December 31,
5 2020, under rules similar to the rules of section 48(m)
6 as in effect on the day before the date of the enactment
7 of the Revenue Reconciliation Act of 1990.

8 **SEC. 90403. EXTENSION OF CREDIT FOR CARBON OXIDE SE-**
9 **QUESTRATION.**

10 (a) IN GENERAL.—Section 45Q(d)(1) is amended by
11 striking “January 1, 2024” and inserting “January 1,
12 2026”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section applies to facilities the construction of which
15 begins after December 31, 2023.

16 **SEC. 90404. ELECTIVE PAYMENT FOR ENERGY PROPERTY**
17 **AND ELECTRICITY PRODUCED FROM CER-**
18 **TAIN RENEWABLE RESOURCES, ETC.**

19 (a) IN GENERAL.—Subchapter B of chapter 65 is
20 amended by adding at the end the following new section:

1 **“SEC. 6431. ELECTIVE PAYMENT FOR ENERGY PROPERTY,**
2 **ELECTRICITY PRODUCED FROM CERTAIN RE-**
3 **NEWABLE RESOURCES, ETC, AND CARBON**
4 **OXIDE SEQUESTRATION.**

5 “(a) ENERGY PROPERTY.—In the case of a taxpayer
6 making an election (at such time and in such manner as
7 the Secretary may provide) under this section with respect
8 to any portion of an applicable credit, such taxpayer shall
9 be treated as making a payment against the tax imposed
10 by subtitle A for the taxable year equal to—

11 “(1) in the case of an Indian tribal government,
12 the amount of such portion, and

13 “(2) in the case of any other taxpayer, 85 per-
14 cent of such amount.

15 “(b) DEFINITIONS AND SPECIAL RULES.—For pur-
16 poses of this section—

17 “(1) GOVERNMENTAL ENTITIES TREATED AS
18 TAXPAYERS.—In the case of an election under this
19 section—

20 “(A) any State or local government, or a
21 political subdivision thereof, or

22 “(B) an Indian tribal government,
23 shall be treated as a taxpayer for purposes of this
24 section and determining any applicable credit.

25 “(2) APPLICABLE CREDIT.—The term ‘applica-
26 ble credit’ means each of the following credits that

1 would (without regard to this section) be determined
2 with respect to the taxpayer:

3 “(A) A energy credit under section 48.

4 “(B) A renewable electricity production
5 credit under section 45.

6 “(C) A carbon oxide sequestration credit
7 under section 45Q.

8 “(3) INDIAN TRIBAL GOVERNMENT.—The term
9 ‘Indian tribal government’ shall have the meaning
10 given such term by section 139E.

11 “(4) TIMING.—The payment described in sub-
12 paragraph (A) shall be treated as made on—

13 “(A) in the case of any government, or po-
14 litical subdivision, to which paragraph (1) ap-
15 plies and for which no return is required under
16 section 6011 or 6033(a), the later of the date
17 that a return would be due under section
18 6033(a) if such government or subdivision were
19 described in that section or the date on which
20 such government or subdivision submits a claim
21 for credit or refund (at such time and in such
22 manner as the Secretary shall provide), and

23 “(B) in any other case, the later of the due
24 date of the return of tax for the taxable year
25 or the date on which such return is filed.

1 “(F) QUALIFIED OFFSHORE WIND FACILI-
2 TIES.—

3 “(i) IN GENERAL.—In the case of any
4 qualified offshore wind facility—

5 “(I) subparagraph (C)(ii) shall be
6 applied by substituting ‘January 1 of
7 the applicable year (as determined
8 under subparagraph (F)(ii))’ for ‘Jan-
9 uary 1, 2026’,

10 “(II) subparagraph (E) shall not
11 apply, and

12 “(III) for purposes of this para-
13 graph, section 45(d)(1) shall be ap-
14 plied by substituting ‘January 1 of
15 the applicable year (as determined
16 under section 48(a)(5)(F)(ii))’ for
17 ‘January 1, 2026’.

18 “(ii) APPLICABLE YEAR.—For pur-
19 poses of this subparagraph, the term ‘ap-
20 plicable year’ means the later of—

21 “(I) calendar year 2025, or

22 “(II) the calendar year subse-
23 quent to the first calendar year in
24 which the Secretary, after consulta-
25 tion with the Secretary of Energy, de-

1 termines that the United States has
2 increased its offshore wind capacity by
3 not less than 3,000 megawatts as
4 compared to such capacity on January
5 1, 2021.

6 For purposes of subclause (II), the Sec-
7 retary shall not include any increase in off-
8 shore wind capacity which is attributable
9 to any facility the construction of which
10 began before January 1, 2021.

11 “(iii) QUALIFIED OFFSHORE WIND FA-
12 CILITY.—For purposes of this subpara-
13 graph, the term ‘qualified offshore wind fa-
14 cility’ means a qualified facility (within the
15 meaning of section 45) described in para-
16 graph (1) of section 45(d) (determined
17 without regard to any date by which the
18 construction of the facility is required to
19 begin) which is located in the inland navi-
20 gable waters of the United States or in the
21 coastal waters of the United States.

22 “(iv) REPORT ON OFFSHORE WIND
23 CAPACITY.—On January 15, 2024, and an-
24 nually thereafter until the calendar year
25 described in clause (ii)(II), the Secretary,

1 after consultation with the Secretary of
2 Energy, shall issue a report to be made
3 available to the public which discloses the
4 increase in the offshore wind capacity of
5 the United States, as measured in total
6 megawatts, since January 1, 2020.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to periods after December 31,
9 2016, under rules similar to the rules of section 48(m)
10 of the Internal Revenue Code of 1986 (as in effect on the
11 day before the date of the enactment of the Revenue Rec-
12 onciliation Act of 1990).

13 **SEC. 90406. GREEN ENERGY PUBLICLY TRADED PARTNER-**
14 **SHIPS.**

15 (a) IN GENERAL.—Section 7704(d)(1)(E) is amend-
16 ed—

17 (1) by striking “income and gains derived from
18 the exploration” and inserting “income and gains
19 derived from—

20 “(i) the exploration”,

21 (2) by inserting “or” before “industrial
22 source”,

23 (3) by striking “, or the transportation or stor-
24 age” and all that follows and inserting the following:

1 “(ii) the generation of electric power
2 or thermal energy exclusively using any
3 qualified energy resource (as defined in
4 section 45(c)(1)),

5 “(iii) the operation of energy property
6 (as defined in section 48(a)(3), determined
7 without regard to any date by which the
8 construction of the facility is required to
9 begin),

10 “(iv) in the case of a facility described
11 in paragraph (3) or (7) of section 45(d)
12 (determined without regard to any placed
13 in service date or date by which construc-
14 tion of the facility is required to begin),
15 the accepting or processing of open-loop
16 biomass or municipal solid waste,

17 “(v) the storage of electric power or
18 thermal energy exclusively using energy
19 property that is energy storage property
20 (as defined in section 48(c)(5)),

21 “(vi) the generation, storage, or dis-
22 tribution of electric power or thermal en-
23 ergy exclusively using energy property that
24 is combined heat and power system prop-
25 erty (as defined in section 48(c)(3), deter-

1 mined without regard to subparagraph
2 (B)(iii) thereof and without regard to any
3 date by which the construction of the facil-
4 ity is required to begin),

5 “ (vii) the transportation or storage of
6 any fuel described in subsection (b), (c),
7 (d), or (e) of section 6426,

8 “ (viii) the conversion of renewable bio-
9 mass (as defined in subparagraph (I) of
10 section 211(o)(1) of the Clean Air Act (as
11 in effect on the date of the enactment of
12 this clause)) into renewable fuel (as de-
13 fined in subparagraph (J) of such section
14 as so in effect), or the storage or transpor-
15 tation of such fuel,

16 “ (ix) the production, storage, or
17 transportation of any fuel which—

18 “ (I) uses as its primary feedstock
19 carbon oxides captured from an an-
20 thropogenic source or the atmosphere,

21 “ (II) does not use as its primary
22 feedstock carbon oxide which is delib-
23 erately released from naturally occur-
24 ring subsurface springs, and

1 “(III) is determined by the Sec-
2 retary, after consultation with the
3 Secretary of Energy and the Adminis-
4 trator of the Environmental Protec-
5 tion Agency, to achieve a reduction of
6 not less than a 60 percent in lifecycle
7 greenhouse gas emissions (as defined
8 in section 211(o)(1)(H) of the Clean
9 Air Act, as in effect on the date of the
10 enactment of this clause) compared to
11 baseline lifecycle greenhouse gas emis-
12 sions (as defined in section
13 211(o)(1)(C) of such Act, as so in ef-
14 fect),

15 “(x) the generation of electric power
16 from, a qualifying gasification project (as
17 defined in section 48B(c)(1) without re-
18 gard to subparagraph (C)) that is de-
19 scribed in section 48(d)(1)(B), or

20 “(xi) in the case of a qualified facility
21 (as defined in section 45Q(d), without re-
22 gard to any date by which construction of
23 the facility is required to begin) not less
24 than 50 percent (30 percent in the case of
25 a facility placed in service before January

1 1, 2021) of the total carbon oxide produc-
2 tion of which is qualified carbon oxide (as
3 defined in section 45Q(c))—

4 “(I) the generation, availability
5 for such generation, or storage of elec-
6 tric power at such facility, or

7 “(II) the capture of carbon diox-
8 ide by such facility,”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section apply to taxable years beginning after Decem-
11 ber 31, 2020.

12 **Subtitle B—Renewable Fuels**

13 **SEC. 90411. BIODIESEL AND RENEWABLE DIESEL.**

14 (a) INCOME TAX CREDIT.—Section 40A(g) is amend-
15 ed to read as follows:

16 “(g) PHASE OUT; TERMINATION.—

17 “(1) PHASE OUT.—In the case of any sale or
18 use after December 31, 2022, subsections (b)(1)(A)
19 and (b)(2)(A) shall be applied by substituting for
20 ‘\$1.00’—

21 “(A) ‘\$.75’, if such sale or use is before
22 January 1, 2024,

23 “(B) ‘\$.50’, if such sale or use is after De-
24 cember 31, 2023, and before January 1, 2025,
25 and

1 “(C) ‘\$.33’, if such sale or use is after De-
2 cember 31, 2024, and before January 1, 2026.

3 “(2) TERMINATION.—This section shall not
4 apply to any sale or use after December 31, 2025.”.

5 (b) EXCISE TAX INCENTIVES.—

6 (1) PHASE OUT.—Section 6426(c)(2) is amend-
7 ed to read as follows:

8 “(2) APPLICABLE AMOUNT.—For purposes of
9 this subsection, the applicable amount is—

10 “(A) \$1.00 in the case of any sale or use
11 for any period before January 1, 2023,

12 “(B) \$.75 in the case of any sale or use for
13 any period after December 31, 2022, and before
14 January 1, 2024,

15 “(C) \$.50 in the case of any sale or use for
16 any period after December 31, 2023, and before
17 January 1, 2025, and

18 “(D) \$.33 in the case of any sale or use
19 for any period after December 31, 2024, and
20 before January 1, 2026.”.

21 (2) TERMINATION.—

22 (A) IN GENERAL.—Section 6426(c)(6) is
23 amended by striking “December 31, 2022” and
24 inserting “December 31, 2025”.

1 (B) PAYMENTS.—Section 6427(e)(6)(B) is
2 amended by striking “December 31, 2022” and
3 inserting “December 31, 2025”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to fuel sold or used after December
6 31, 2022.

7 **SEC. 90412. EXTENSION OF EXCISE TAX CREDITS RELATING**
8 **TO ALTERNATIVE FUELS.**

9 (a) EXTENSION AND PHASEOUT OF ALTERNATIVE
10 FUEL CREDIT.—

11 (1) IN GENERAL.—Section 6426(d)(1) is
12 amended by striking “50 cents” and inserting “the
13 applicable amount”.

14 (2) APPLICABLE AMOUNT AND TERMINATION.—
15 Section 6426(d)(5) is amended to read as follows:

16 “(5) PHASEOUT AND TERMINATION.—

17 “(A) PHASEOUT.—For purposes of this
18 subsection, the applicable amount is—

19 “(i) 50 cents in the case of any sale
20 or use for any period before January 1,
21 2023,

22 “(ii) 38 cents in the case of any sale
23 or use for any period after December 31,
24 2022, and before January 1, 2024,

1 “(iii) 25 cents in the case of any sale
2 or use for any period after December 31,
3 2023, and before January 1, 2025, and

4 “(iv) 17 cents in the case of any sale
5 or use for any period after December 31,
6 2024, and before January 1, 2026.

7 “(B) TERMINATION.—This subsection
8 shall not apply to any sale or use for any period
9 after December 31, 2025.”.

10 (b) ALTERNATIVE FUEL MIXTURE CREDIT.—

11 (1) IN GENERAL.—Section 6426(e)(3) is
12 amended by striking “December 31, 2020” and in-
13 serting “December 31, 2025”.

14 (2) PHASEOUT.—Section 6426(e)(1) is amend-
15 ed by striking “50 cents” and inserting “the applica-
16 ble amount (as defined in subsection (d)(5)(A))”.

17 (c) PAYMENTS FOR ALTERNATIVE FUELS.—Section
18 6427(e)(6)(C) is amended by striking “December 31,
19 2020” and inserting “December 31, 2025”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to fuel sold or used after December
22 31, 2020.

1 **SEC. 90413. EXTENSION OF SECOND GENERATION BIOFUEL**
2 **INCENTIVES.**

3 (a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended
4 by striking “2021” and inserting “2026”.

5 (b) EXTENSION OF SPECIAL ALLOWANCE FOR DE-
6 PRECIATION OF SECOND GENERATION BIOFUEL PLANT
7 PROPERTY.—Section 168(l)(2)(D) is amended by striking
8 “2021” and inserting “2026”.

9 (c) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendment made by
11 subsection (a) shall apply to qualified second genera-
12 tion biofuel production after December 31, 2020.

13 (2) SECOND GENERATION BIOFUEL PLANT
14 PROPERTY.—The amendment made by subsection
15 (b) shall apply to property placed in service after
16 December 31, 2020.

17 **Subtitle C—Green Energy and Effi-**
18 **ciency Incentives for Individ-**
19 **uals**

20 **SEC. 90421. EXTENSION, INCREASE, AND MODIFICATIONS**
21 **OF NONBUSINESS ENERGY PROPERTY CRED-**
22 **IT.**

23 (a) EXTENSION OF CREDIT.—Section 25C(g)(2) is
24 amended by striking “December 31, 2020” and inserting
25 “December 31, 2025”.

1 (b) INCREASE IN CREDIT PERCENTAGE FOR QUALI-
2 FIED ENERGY EFFICIENCY IMPROVEMENTS.—Section
3 25C(a)(1) is amended by striking “10 percent” and insert-
4 ing “15 percent”

5 (c) INCREASE IN LIFETIME LIMITATION OF CRED-
6 IT.—Section 25C(b)(1) is amended—

7 (1) by striking “\$500” and inserting “\$1,200”,
8 and

9 (2) by striking “December 31, 2005” and in-
10 sserting “December 31, 2020”.

11 (d) LIMITATIONS.—Section 25C(b) is amended by
12 striking paragraphs (2) and (3) and inserting the fol-
13 lowing:

14 “(2) LIMITATION ON QUALIFIED ENERGY EFFI-
15 CIENCY IMPROVEMENTS.—The credit allowed under
16 this section by reason of subsection (a)(1), with re-
17 spect to costs paid or incurred by a taxpayer for a
18 taxable year, shall not exceed—

19 “(A) for components described in sub-
20 section (c)(3)(A), the excess (if any) of \$600
21 over the aggregate credits allowed under this
22 section with respect to such components for all
23 prior taxable years ending after December 31,
24 2020,

1 “(B) for components described in sub-
2 section (c)(3)(B),

3 “(i) in the case of components which
4 are not described in clause (ii), the excess
5 (if any) of \$200 over the aggregate credits
6 allowed under this section with respect to
7 such components for all prior taxable years
8 ending after December 31, 2020, and

9 “(ii) in the case of components which
10 meet the standards for most efficient cer-
11 tification under applicable Energy Star
12 program requirements, the excess (if any)
13 of \$600 over the aggregate credits allowed
14 under this section with respect to such
15 components for all prior taxable years end-
16 ing after December 31, 2020, or with re-
17 spect to components described in clause (i)
18 for such taxable year,

19 “(C) for components described in sub-
20 section (c)(3)(C) by any taxpayer for any tax-
21 able year, the credit allowed under this section
22 with respect to such amounts for such year
23 shall not exceed the lesser of—

24 “(i) the excess (if any) of \$500 over
25 the aggregate credits allowed under this

1 section with respect to such amounts for
2 all prior taxable years ending after Decem-
3 ber 31, 2020, or

4 “(ii) \$250 for each exterior door.

5 “(3) LIMITATION ON RESIDENTIAL ENERGY
6 PROPERTY EXPENDITURES.—The credit allowed
7 under this section by reason of subsection (a)(2)
8 shall not, with respect to an item of property, ex-
9 ceed—

10 “(A) in the case of property described in
11 subparagraph (A), (B), or (C) of subsection
12 (d)(3), \$600, and

13 “(B) for the case of property described in
14 subparagraph (D) of subsection (d)(3), \$400,
15 and

16 “(C) in the case of a hot water boiler,
17 \$600, and

18 “(D) in the case of a furnace, an amount
19 equal to the sum of—

20 “(i) \$300, plus

21 “(ii) if the taxpayer is converting
22 from a non-condensing furnace to a con-
23 densing furnace, \$300.”.

24 (e) STANDARDS FOR ENERGY EFFICIENT BUILDING
25 ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended

1 by striking “meets—” and all that follows through the pe-
2 riod at the end and inserting the following: “meets—

3 “(A) in the case of an exterior window, a
4 skylight, or an exterior door, applicable Energy
5 Star program requirements, and

6 “(B) in the case of any other component,
7 the prescriptive criteria for such component es-
8 tablished by the 2018 IECC (as such term is
9 defined in section 45L(b)(5)).”.

10 (f) ROOFS NOT BUILDING ENVELOPE COMPO-
11 NENTS.—Section 25C(c)(3) is amended by adding “and”
12 at the end of subparagraph (B), by striking “, and” at
13 the end of subparagraph (C) and inserting a period, and
14 by striking subparagraph (D).

15 (g) ADVANCED MAIN AIR CIRCULATING FANS NOT
16 QUALIFIED ENERGY PROPERTY.—

17 (1) IN GENERAL.—Section 25C(d)(2)(A) is
18 amended by adding “or” at the end of clause (i), by
19 striking “, or” at the end of clause (ii) and inserting
20 a period, and by striking clause (iii).

21 (2) CONFORMING AMENDMENT.—Section
22 25C(d) is amended by striking paragraph (5) and
23 redesignating paragraph (6) as paragraph (5).

24 (h) INCREASE IN STANDARD FOR ELECTRIC HEAT
25 PUMP WATER HEATER.—Section 25C(d)(3)(A) is amend-

1 ed by striking “an energy factor of at least 2.0” and in-
2 serting “a uniform energy factor of at least 3.0”.

3 (i) UPDATE OF STANDARDS FOR CERTAIN ENERGY-
4 EFFICIENT BUILDING PROPERTY.—Section 25C(d)(3) is
5 amended—

6 (1) by striking “January 1, 2009” each place
7 such term appears and inserting “November 1,
8 2019”, and

9 (2) by striking subparagraph (D) and inserting
10 the following:

11 “(D) a natural gas, propane, or oil water
12 heater which, in the standard Department of
13 Energy test procedure, yields—

14 “(i) in the case of a storage tank
15 water heater—

16 “(I) in the case of a medium-
17 draw water heater, a uniform energy
18 factor of not less than 0.78, and

19 “(II) in the case of a high-draw
20 water heater, a uniform energy factor
21 of not less than 0.80, and

22 “(ii) in the case of a tankless water
23 heater—

1 “(I) in the case of a medium-
2 draw water heater, a uniform energy
3 factor of not less than 0.87, and

4 “(II) in the case of a high-draw
5 water heater, a uniform energy factor
6 of not less than 0.90, and”.

7 (j) INCREASE IN STANDARD FOR FURNACES.—Sec-
8 tion 25C(d)(4) is amended by striking by striking “not
9 less than 95.” and inserting the following: “not less
10 than—

11 “(A) in the case of a furnace, 97 percent,
12 and

13 “(B) in the case of a hot water boiler, 95
14 percent.”.

15 (k) HOME ENERGY AUDITS.—

16 (1) IN GENERAL.—Section 25C(a) is amended
17 by striking “and” at the end of paragraph (1), by
18 striking the period at the end of paragraph (2) and
19 inserting “, and”, and by adding at the end the fol-
20 lowing new paragraph:

21 “(3) 30 percent of the amount paid or incurred
22 by the taxpayer during the taxable year for home en-
23 ergy audits.”.

24 (2) LIMITATION.—Section 25C(b) is amended
25 adding at the end the following new paragraph:

1 “(4) HOME ENERGY AUDITS.—The amount of
2 the credit allowed under this section by reason of
3 subsection (a)(3) shall not exceed \$150.”.

4 (3) HOME ENERGY AUDITS.—Section 25C, as
5 amended by subsections (a), is amended by redesignig-
6 nating subsections (e), (f), and (g), as subsections
7 (f), (g), and (h), respectively, and by inserting after
8 subsection (d) the following new subsection:

9 “(e) HOME ENERGY AUDITS.—For purposes of this
10 section, the term ‘home energy audit’ means an inspection
11 and written report with respect to a dwelling unit located
12 in the United States and owned or used by the taxpayer
13 as the taxpayer’s principal residence (within the meaning
14 of section 121) which—

15 “(1) identifies the most significant and cost-ef-
16 fective energy efficiency improvements with respect
17 to such dwelling unit, including an estimate of the
18 energy and cost savings with respect to each such
19 improvement, and

20 “(2) is conducted and prepared by a home en-
21 ergy auditor that meets the certification or other re-
22 quirements specified by the Secretary (after con-
23 sultation with the Secretary of Energy, and not later
24 than 180 days after the date of the enactment of
25 this subsection) in regulations or other guidance.”.

1 (4) CONFORMING AMENDMENT.—Section
2 1016(a)(33) is amended by striking “section 25C(f)”
3 and inserting “section 25C(g)”.

4 (l) EFFECTIVE DATES.—

5 (1) INCREASE AND MODERNIZATION.—Except
6 as otherwise provided by this subsection, the amend-
7 ments made by this section shall apply to property
8 placed in service after December 31, 2020.

9 (2) EXTENSION.—The amendments made by
10 subsection (a) shall apply to property placed in serv-
11 ice after December 31, 2020.

12 (3) HOME ENERGY AUDITS.—The amendments
13 made by subsection (k) shall apply to amounts paid
14 or incurred after December 31, 2020.

15 **SEC. 90422. RESIDENTIAL ENERGY EFFICIENT PROPERTY.**

16 (a) EXTENSION OF CREDIT.—

17 (1) IN GENERAL.—Section 25D(h) is amended
18 by striking “December 31, 2021” and inserting
19 “December 31, 2027”.

20 (2) APPLICATION OF PHASEOUT.—Section
21 25D(g) is amended—

22 (A) in paragraph (1), by striking “January
23 1, 2020” and inserting “January 1, 2026”,

24 (B) in paragraph (2)—

1 (i) by striking “December 31, 2019”
2 and inserting “December 31, 2025”, and

3 (ii) by striking “January 1, 2021”
4 and inserting “January 1, 2027”, and

5 (C) in paragraph (3)—

6 (i) by striking “December 31, 2020”
7 and inserting “December 31, 2026”, and

8 (ii) by striking “January 1, 2022”
9 and inserting “January 1, 2028”.

10 (b) QUALIFIED BIOMASS FUEL PROPERTY EXPENDI-
11 TURES; RESIDENTIAL ENERGY EFFICIENT PROPERTY
12 CREDIT FOR BATTERY STORAGE TECHNOLOGY.—

13 (1) IN GENERAL.—Section 25D(a) is amended
14 by striking “and” at the end of paragraph (4) and
15 by inserting after paragraph (5) the following new
16 paragraphs:

17 “(6) the qualified biomass fuel property expend-
18 itures, and

19 “(7) the qualified battery storage technology ex-
20 penditures,”.

21 (2) QUALIFIED BIOMASS FUEL PROPERTY EX-
22 PENDITURES; RESIDENTIAL ENERGY EFFICIENT
23 PROPERTY CREDIT FOR BATTERY STORAGE TECH-
24 NOLOGY.—Section 25D(d) is amended by adding at
25 the end the following new paragraphs:

1 “(6) QUALIFIED BIOMASS FUEL PROPERTY EX-
2 PENDITURE.—

3 “(A) IN GENERAL.—The term ‘qualified
4 biomass fuel property expenditure’ means an
5 expenditure for property—

6 “(i) which uses the burning of bio-
7 mass fuel to heat a dwelling unit located in
8 the United States and used as a residence
9 by the taxpayer, or to heat water for use
10 in such a dwelling unit, and

11 “(ii) which has a thermal efficiency
12 rating of at least 75 percent (measured by
13 the higher heating value of the fuel).

14 “(B) BIOMASS FUEL.—For purposes of
15 this section, the term ‘biomass fuel’ means any
16 plant-derived fuel available on a renewable or
17 recurring basis.

18 “(7) QUALIFIED BATTERY STORAGE TECH-
19 NOLOGY EXPENDITURE.—The term ‘qualified bat-
20 tery storage technology expenditure’ means an ex-
21 penditure for battery storage technology which—

22 “(A) is installed in connection with a
23 dwelling unit located in the United States and
24 used as a residence by the taxpayer, and

1 “(B) has a capacity of not less than 3 kilo-
2 watt hours.”.

3 (3) DENIAL OF DOUBLE BENEFIT FOR BIOMASS
4 STOVES.—

5 (A) IN GENERAL.—Section 25C(d)(3) is
6 amended by adding “and” at the end of sub-
7 paragraph (C), by striking “, and” at the end
8 of subparagraph (D) and inserting a period,
9 and by striking subparagraph (E).

10 (B) CONFORMING AMENDMENT.—Section
11 25C(d), as amended by the preceding provisions
12 of this Act, is amended by striking paragraph
13 (5).

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to expenditures made after the
16 date of the enactment of this Act.

17 **SEC. 90423. ENERGY EFFICIENT COMMERCIAL BUILDINGS**
18 **DEDUCTION.**

19 (a) EXTENSION.—Section 179D(h) is amended by
20 striking “December 31, 2020” and inserting “December
21 31, 2025”.

22 (b) INCREASE IN THE MAXIMUM AMOUNT OF DE-
23 DUCTION.—

24 (1) IN GENERAL.—Section 179D(b) is amended
25 by striking “\$1.80” and inserting “\$3”.

1 (2) INFLATION ADJUSTMENT.—Section 179D,
2 as amended by this Act, is amended by redesignig-
3 nating subsection (h) as subsection (i) and by insert-
4 ing after subsection (g) the following new subsection:

5 “(h) INFLATION ADJUSTMENT.—In the case of a tax-
6 able year beginning after 2020, each dollar amount in sub-
7 section (b) or subsection (d)(1)(A) shall be increased by
8 an amount equal to—

9 “(1) such dollar amount, multiplied by

10 “(2) the cost-of-living adjustment determined
11 under section 1(f)(3) for the calendar year in which
12 the taxable year begins, determined by substituting
13 ‘calendar year 2019’ for ‘calendar year 2016’ in sub-
14 paragraph (A)(ii) thereof.”.

15 (3) CONFORMING AMENDMENT.—Section
16 179D(d)(1)(A) is amended by striking “by sub-
17 stituting ‘\$.60’ for ‘\$1.80’” and inserting “by sub-
18 stituting ‘\$1’ for ‘\$3’”.

19 (c) LIMIT ON DEDUCTION LIMITED TO THREE-YEAR
20 PERIOD.—Section 179D(b)(2) is amended by striking “for
21 all prior taxable years” and inserting “for the 3 years im-
22 mediately preceding such taxable year”.

23 (d) UPDATE OF STANDARDS.—

24 (1) ASHRAE STANDARDS.—Section 179D(c) is
25 amended—

1 (A) in paragraphs (1)(B)(ii) and (1)(D),
2 by striking “Standard 90.1–2007” and insert-
3 ing “Reference Standard 90.1”, and

4 (B) by amending paragraph (2) to read as
5 follows:

6 “(2) REFERENCE STANDARD 90.1.—The term
7 ‘Reference Standard 90.1’ means, with respect to
8 property, the Standard 90.1 most recently adopted
9 (as of the date that is 2 years before the date that
10 construction of such property begins) by the Amer-
11 ican Society of Heating, Refrigerating, and Air Con-
12 ditioning Engineers and the Illuminating Engineer-
13 ing Society of North America.”.

14 (2) CALIFORNIA NONRESIDENTIAL ALTER-
15 NATIVE CALCULATION METHOD APPROVAL MAN-
16 UAL.—Section 179D(d)(2) is amended by striking
17 “2005” and inserting “2019”.

18 (e) CHANGE IN EFFICIENCY STANDARDS.—Section
19 179D(c)(1)(D) is amended by striking “50” and inserting
20 “30”.

21 (f) DEADWOOD.—Section 179D, as amended by sub-
22 section (a), is amended by striking subsection (f) and re-
23 designating subsections (g) and (h) as subsections (f) and
24 (g), respectively.

1 (g) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to property placed in service after
3 December 31, 2020.

4 **SEC. 90424. EXTENSION, INCREASE, AND MODIFICATIONS**
5 **OF NEW ENERGY EFFICIENT HOME CREDIT.**

6 (a) EXTENSION OF CREDIT.—Section 45L(g) is
7 amended by striking “December 31, 2020” and inserting
8 “December 31, 2025”.

9 (b) INCREASE IN CREDIT FOR CERTAIN DWELLING
10 UNITS.—Section 45L(a)(2)(A) is amended by striking
11 “\$2,000” and inserting “\$2,500”.

12 (c) INCREASE IN STANDARD FOR HEATING AND
13 COOLING REDUCTION FOR CERTAIN UNITS.—Section
14 45L(c)(1) is amended by striking “50 percent” each place
15 such term appears and inserting “60 percent”.

16 (d) ENERGY SAVING REQUIREMENTS MODIFICA-
17 TIONS.—

18 (1) ALL ENERGY STAR LABELED HOMES ELIGI-
19 BLE; NO REDUCTION IN STANDARD.—Section 45L(c)
20 is amended by amending paragraph (3) to read as
21 follows:

22 “(3) a unit which meets the requirements estab-
23 lished by the Administrator of the Environmental
24 Protection Agency under the Energy Star Labeled
25 Homes program and, in the case of a manufactured

1 home, which conforms to Federal Manufactured
2 Home Construction and Safety Standards (part
3 3280 of title 24, Code of Federal Regulations).”.

4 (2) UNITS CONSTRUCTED IN ACCORDANCE
5 WITH 2018 IECC STANDARDS.—Section 45L(c), as
6 amended by paragraph (1), is further amended by
7 striking “or” at the end of paragraph (2), by strik-
8 ing the period at the end of paragraph (3) and in-
9 serting “, or”, and by adding at the end the fol-
10 lowing new paragraph:

11 “(4) certified—

12 “(A) to have a level of annual energy con-
13 sumption which is at least 15 percent below the
14 annual level of energy consumption of a com-
15 parable dwelling unit—

16 “(i) which is constructed in accord-
17 ance with the standards of chapter 4 of the
18 2018 IECC (without taking into account
19 on-site energy generation), and

20 “(ii) which meets the requirements de-
21 scribed in paragraph (1)(A)(ii), and

22 “(B) to have building envelope component
23 improvements account for at least 1/5 of such
24 15 percent.”.

25 (3) CONFORMING AMENDMENTS.—

1 (A) Section 45L(c)(2) is amended by in-
2 serting “or (4)” after “paragraph (1)”.

3 (B) Section 45L(a)(2)(A) is amended by
4 striking “or (2)” and inserting “, (2), or (4)”.

5 (C) Section 45L(b) is amended by adding
6 at the end the following:

7 “(5) 2018 IECC.—The term ‘2018 IECC’
8 means the 2018 International Energy Conservation
9 Code, as such Code (including supplements) is in ef-
10 fect on November 1, 2018.”.

11 (e) EFFECTIVE DATES.—The amendments made by
12 this section shall apply to dwelling units acquired after
13 December 31, 2020.

14 **SEC. 90425. MODIFICATIONS TO INCOME EXCLUSION FOR**
15 **CONSERVATION SUBSIDIES.**

16 (a) IN GENERAL.—Section 136(a) is amended—

17 (1) by striking “any subsidy provided” and in-
18 serting “any subsidy—

19 “(1) provided”,

20 (2) by striking the period at the end and insert-
21 ing a comma, and

22 (3) by adding at the end the following new
23 paragraphs:

24 “(2) provided (directly or indirectly) by a public
25 utility to a customer, or by a State or local govern-

1 ment to a resident of such State or locality, for the
2 purchase or installation of any water conservation or
3 efficiency measure,

4 “(3) provided (directly or indirectly) by a storm
5 water management provider to a customer, or by a
6 State or local government to a resident of such State
7 or locality, for the purchase or installation of any
8 storm water management measure, or

9 “(4) provided (directly or indirectly) by a State
10 or local government to a resident of such State or
11 locality for the purchase or installation of any waste-
12 water management measure, but only if such meas-
13 ure is with respect to the taxpayer’s principal resi-
14 dence.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) DEFINITION OF WATER CONSERVATION OR
17 EFFICIENCY MEASURE AND STORM WATER MANAGE-
18 MENT MEASURE.—Section 136(c) is amended—

19 (A) by striking “ENERGY CONSERVATION
20 MEASURE” in the heading thereof and inserting
21 “DEFINITIONS”,

22 (B) by striking “IN GENERAL” in the
23 heading of paragraph (1) and inserting “EN-
24 ERGY CONSERVATION MEASURE”, and

1 (C) by redesignating paragraph (2) as
2 paragraph (5) and by inserting after paragraph
3 (1) the following:

4 “(2) WATER CONSERVATION OR EFFICIENCY
5 MEASURE.—For purposes of this section, the term
6 ‘water conservation or efficiency measure’ means any
7 evaluation of water use, or any installation or modi-
8 fication of property, the primary purpose of which is
9 to reduce consumption of water or to improve the
10 management of water demand with respect to one or
11 more dwelling units.

12 “(3) STORM WATER MANAGEMENT MEASURE.—
13 For purposes of this section, the term ‘storm water
14 management measure’ means any installation or
15 modification of property primarily designed to re-
16 duce or manage amounts of storm water with re-
17 spect to one or more dwelling units.

18 “(4) WASTEWATER MANAGEMENT MEASURE.—
19 For purposes of this section, the term ‘wastewater
20 management measure’ means any installation or
21 modification of property primarily designed to man-
22 age wastewater (including septic tanks and cess-
23 pools) with respect to one or more dwelling units.”.

24 (2) DEFINITION OF PUBLIC UTILITY.—Section
25 136(c)(5) (as redesignated by paragraph (1)(C)) is

1 amended by striking subparagraph (B) and inserting
2 the following:

3 “(B) PUBLIC UTILITY.—The term ‘public
4 utility’ means a person engaged in the sale of
5 electricity, natural gas, or water to residential,
6 commercial, or industrial customers for use by
7 such customers.

8 “(C) STORM WATER MANAGEMENT PRO-
9 VIDER.—The term ‘storm water management
10 provider’ means a person engaged in the provi-
11 sion of storm water management measures to
12 the public.

13 “(D) PERSON.—For purposes of subpara-
14 graphs (B) and (C), the term ‘person’ includes
15 the Federal Government, a State or local gov-
16 ernment or any political subdivision thereof, or
17 any instrumentality of any of the foregoing.”.

18 (3) CLERICAL AMENDMENTS.—

19 (A) The heading for section 136 is amend-
20 ed—

21 (i) by inserting “**AND WATER**” after
22 “**ENERGY**”, and

23 (ii) by striking “**PROVIDED BY PUB-
24 LIC UTILITIES**”.

1 (B) The item relating to section 136 in the
2 table of sections of part III of subchapter B of
3 chapter 1 is amended—

4 (i) by inserting “and water” after
5 “energy”, and

6 (ii) by striking “provided by public
7 utilities”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to amounts received after Decem-
10 ber 31, 2018.

11 (d) NO INFERENCE.—Nothing in this Act or the
12 amendments made by this Act shall be construed to create
13 any inference with respect to the proper tax treatment of
14 any subsidy received directly or indirectly from a public
15 utility, a storm water management provider, or a State
16 or local government for any water conservation measure
17 or storm water management measure before January 1,
18 2021.

19 **Subtitle D—Greening the Fleet and** 20 **Alternative Vehicles**

21 **SEC. 90431. MODIFICATION OF LIMITATIONS ON NEW** 22 **QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR** 23 **VEHICLE CREDIT.**

24 (a) IN GENERAL.—Section 30D(e) is amended to
25 read as follows:

1 “(e) LIMITATION ON NUMBER OF NEW QUALIFIED
2 PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE
3 FOR CREDIT.—

4 “(1) IN GENERAL.—In the case of any new
5 qualified plug-in electric drive motor vehicle sold
6 after the date of the enactment of the GREEN Act
7 of 2020—

8 “(A) if such vehicle is sold during the tran-
9 sition period, the amount determined under
10 subsection (b)(2) shall be reduced by \$500, and

11 “(B) if such vehicle is sold during the
12 phaseout period, only the applicable percentage
13 of the credit otherwise allowable under sub-
14 section (a) shall be allowed.

15 “(2) TRANSITION PERIOD.—For purposes of
16 this subsection, the transition period is the period
17 subsequent to the first date on which the number of
18 new qualified plug-in electric drive motor vehicles
19 manufactured by the manufacturer of the vehicle re-
20 ferred to in paragraph (1) sold for use in the United
21 States after December 31, 2009, is at least 200,000.

22 “(3) PHASEOUT PERIOD.—

23 “(A) IN GENERAL.—For purposes of this
24 subsection, the phaseout period is the period be-
25 ginning with the second calendar quarter fol-

1 lowing the calendar quarter which includes the
2 first date on which the number of new qualified
3 plug-in electric drive motor vehicles manufac-
4 tured by the manufacturer of the vehicle re-
5 ferred to in paragraph (1) sold for use in the
6 United States after December 31, 2009, is at
7 least 600,000.

8 “(B) APPLICABLE PERCENTAGE.—For
9 purposes of paragraph (1)(B), the applicable
10 percentage is—

11 “(i) 50 percent for the first calendar
12 quarter of the phaseout period, and

13 “(ii) 0 percent for each calendar quar-
14 ter thereafter.

15 “(C) EXCLUSION OF SALE OF CERTAIN VE-
16 HICLES.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), any new qualified plug-
19 in electric drive motor vehicle manufac-
20 tured by the manufacturer of the vehicle
21 referred to in paragraph (1) which was
22 sold during the exclusion period shall not
23 be included for purposes of determining
24 the number of such vehicles sold.

1 “(ii) EXCLUSION PERIOD.—For pur-
2 poses of this subparagraph, the exclusion
3 period is the period—

4 “(I) beginning on the first date
5 on which the number of new qualified
6 plug-in electric drive motor vehicles
7 manufactured by the manufacturer of
8 the vehicle referred to in paragraph
9 (1) sold for use in the United States
10 after December 31, 2009, is at least
11 200,000, and

12 “(II) ending on the date of the
13 enactment of the GREEN Act of
14 2020.

15 “(4) CONTROLLED GROUPS.—Rules similar to
16 the rules of section 30B(f)(4) shall apply for pur-
17 poses of this subsection.”.

18 (b) EXTENSION FOR 2- AND 3-WHEELED PLUG-IN
19 ELECTRIC VEHICLES.—Section 30D(g)(3)(E) is amended
20 to read as follows:

21 “(E) is acquired after December 31, 2020,
22 and before January 1, 2026.”.

23 (c) EFFECTIVE DATE.—

1 (1) **LIMITATION.**—The amendment made by
2 subsection (a) shall apply to vehicles sold after the
3 date of the enactment of this Act.

4 (2) **EXTENSION.**—The amendment made by
5 subsection (b) shall apply to vehicles sold after De-
6 cember 31, 2020.

7 **SEC. 90432. CREDIT FOR PREVIOUSLY-OWNED QUALIFIED**
8 **PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

9 (a) **IN GENERAL.**—Subpart A of part IV of sub-
10 chapter A of chapter 1 is amended by inserting after sec-
11 tion 25D the following new section:

12 **“SEC. 25E. PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELEC-**
13 **TRIC DRIVE MOTOR VEHICLES.**

14 “(a) **ALLOWANCE OF CREDIT.**—In the case of a
15 qualified buyer who during a taxable year places in service
16 a previously-owned qualified plug-in electric drive motor
17 vehicle, there shall be allowed as a credit against the tax
18 imposed by this chapter for the taxable year an amount
19 equal to the sum of—

20 “(1) \$1,250, plus

21 “(2) in the case of a vehicle which draws pro-
22 pulsion energy from a battery which exceeds 4 kilo-
23 watt hours of capacity (determined at the time of
24 sale), the lesser of—

25 “(A) \$1,250, and

1 “(B) the product of \$208.50 and such ex-
2 cess kilowatt hours.

3 “(b) LIMITATIONS.—

4 “(1) SALE PRICE.—The credit allowed under
5 subsection (a) with respect to sale of a vehicle shall
6 not exceed 30 percent of the sale price.

7 “(2) ADJUSTED GROSS INCOME.—The amount
8 which would (but for this paragraph) be allowed as
9 a credit under subsection (a) shall be reduced (but
10 not below zero) by \$250 for each \$1,000 (or fraction
11 thereof) by which the taxpayer’s adjusted gross in-
12 come exceeds \$30,000 (twice such amount in the
13 case of a joint return).

14 “(c) DEFINITIONS.—For purposes of this section—

15 “(1) PREVIOUSLY-OWNED QUALIFIED PLUG-IN
16 ELECTRIC DRIVE MOTOR VEHICLE.—The term ‘pre-
17 viously-owned qualified plug-in electric drive motor
18 vehicle’ means, with respect to a taxpayer, a motor
19 vehicle—

20 “(A) the model year of which is at least 2
21 earlier than the calendar year in which the tax-
22 payer acquires such vehicle,

23 “(B) the original use of which commences
24 with a person other than the taxpayer,

1 “(C) which is acquired by the taxpayer in
2 a qualified sale,

3 “(D) registered by the taxpayer for oper-
4 ation in a State or possession of the United
5 States, and

6 “(E) which meets the requirements of sub-
7 paragraphs (C), (D), (E), and (F) of section
8 30D(d)(1).

9 “(2) QUALIFIED SALE.—The term ‘qualified
10 sale’ means a sale of a motor vehicle—

11 “(A) by a person who holds such vehicle in
12 inventory (within the meaning of section 471)
13 for sale or lease,

14 “(B) for a sale price of less than \$25,000,
15 and

16 “(C) which is the first transfer since the
17 date of the enactment of this section to a per-
18 son other than the person with whom the origi-
19 nal use of such vehicle commenced.

20 “(3) QUALIFIED BUYER.—The term ‘qualified
21 buyer’ means, with respect to a sale of a motor vehi-
22 cle, a taxpayer—

23 “(A) who is an individual,

24 “(B) who purchases such vehicle for use
25 and not for resale,

1 “(C) with respect to whom no deduction is
2 allowable with respect to another taxpayer
3 under section 151,

4 “(D) who has not been allowed a credit
5 under this section for any sale during the 3-
6 year period ending on the date of the sale of
7 such vehicle, and

8 “(E) who possesses a certificate issued by
9 the seller that certifies—

10 “(i) that the vehicle is a previously-
11 owned qualified plug-in electric drive motor
12 vehicle,

13 “(ii) the capacity of the battery at
14 time of sale, and

15 “(iii) such other information as the
16 Secretary may require.

17 “(4) MOTOR VEHICLE; CAPACITY.—The terms
18 ‘motor vehicle’ and ‘capacity’ have the meaning
19 given such terms in paragraphs (2) and (4) of sec-
20 tion 30D(d), respectively.

21 “(d) APPLICATION OF CERTAIN RULES.—For pur-
22 poses of this section, rules similar to the rules of para-
23 graphs (1), (2), (4), (5), (6) and (7) of section 30D(f)
24 shall apply for purposes of this section.

1 “(e) CERTIFICATE SUBMISSION REQUIREMENT.—
2 The Secretary may require that the issuer of the certifi-
3 cate described in subsection (c)(3)(E) submit such certifi-
4 cate to the Secretary at the time and in the manner re-
5 quired by the Secretary.

6 “(f) TERMINATION.—No credit shall be allowed
7 under this section with respect to sales after December
8 31, 2025.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for subpart A of part IV of subchapter A of chapter 1
11 is amended by inserting after the item relating to section
12 25D the following new item:

“Sec. 25E. Previously-owned qualified plug-in electric drive motor vehicles.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to sales after the date of the enact-
15 ment of this Act.

16 **SEC. 90433. CREDIT FOR ZERO-EMISSION HEAVY VEHICLES**
17 **AND ZERO-EMISSION BUSES.**

18 (a) IN GENERAL.—Subpart D of part IV of sub-
19 chapter A of chapter 1 is amended by adding at the end
20 the following new section:

21 **“SEC. 45U. ZERO-EMISSION HEAVY VEHICLE CREDIT.**

22 “(a) ALLOWANCE OF CREDIT.—For purposes of sec-
23 tion 38, in the case of a manufacturer of a zero-emission
24 heavy vehicle, the zero-emission heavy vehicle credit deter-
25 mined under this section for a taxable year is an amount

1 equal to 10 percent of the sum of the sale price of each
2 zero-emission heavy vehicle sold by such taxpayer during
3 such taxable year.

4 “(b) LIMITATION.—The sale price of a zero-emission
5 heavy vehicle may not be taken into account under sub-
6 section (a) to the extent such price exceeds \$1,000,000.

7 “(c) ZERO-EMISSION HEAVY VEHICLE.—For pur-
8 poses of this section—

9 “(1) IN GENERAL.—The term ‘zero-emission
10 heavy vehicle’ means a motor vehicle which—

11 “(A) has a gross vehicle weight rating of
12 not less than 14,000 pounds,

13 “(B) is not powered or charged by an in-
14 ternal combustion engine, and

15 “(C) is propelled solely by an electric
16 motor which draws electricity from a battery or
17 fuel cell.

18 “(2) MOTOR VEHICLE; MANUFACTURER.—The
19 term ‘motor vehicle’ and ‘manufacturer’ have the
20 meaning given such terms in paragraphs (2) and (3)
21 of section 30D(d), respectively.

22 “(d) SPECIAL RULES.—

23 “(1) SALE PRICE.—For purposes of this sec-
24 tion, the sale price of a zero-emission heavy vehicle

1 shall be reduced by any rebate or other incentive
2 given before, on, or after the date of the sale.

3 “(2) DOMESTIC USE.—No credit shall be al-
4 lowed under subsection (a) with respect to a zero-
5 emission heavy vehicle to a manufacturer who knows
6 or has reason to know that such vehicle will not be
7 used primarily in the United States or a possession
8 of the United States.

9 “(3) REGULATIONS.—The Secretary shall pre-
10 scribe such regulations as may be necessary or ap-
11 propriate to carry out the purposes of this section.

12 “(e) TERMINATION.—This section shall not apply to
13 sales after December 31, 2025.”.

14 (b) CREDIT MADE PART OF GENERAL BUSINESS
15 CREDIT.—Subsection (b) of section 38 is amended by
16 striking “plus” at the end of paragraph (32), by striking
17 the period at the end of paragraph (33) and inserting “,
18 plus”, and by adding at the end the following new para-
19 graph:

20 “(34) the zero-emission heavy vehicle credit de-
21 termined under section 45U.”.

22 (c) CLERICAL AMENDMENT.—The table of sections
23 for subpart D of part IV of subchapter A of chapter 1
24 is amended by adding at the end the following new item:

“Sec. 45U. Zero-emission heavy vehicle credit.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to sales after the date of the enact-
3 ment of this Act.

4 **SEC. 90434. QUALIFIED FUEL CELL MOTOR VEHICLES.**

5 (a) IN GENERAL.—Section 30B(k)(1) is amended by
6 striking “December 31, 2020” and inserting “December
7 31, 2025”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to property placed in service after
10 December 31, 2020.

11 **SEC. 90435. ALTERNATIVE FUEL REFUELING PROPERTY**
12 **CREDIT.**

13 (a) IN GENERAL.—Section 30C(g) is amended by
14 striking “December 31, 2020” and inserting “December
15 31, 2025”.

16 (b) ADDITIONAL CREDIT FOR CERTAIN ELECTRIC
17 CHARGING PROPERTY.—

18 (1) IN GENERAL.—Section 30C(a) is amend-
19 ed—

20 (A) by striking “equal to 30 percent” and
21 inserting the following: “equal to the sum of—
22 “(1) 30 percent”.

23 (B) by striking the period at the end and
24 inserting “, plus”, and

1 (C) by adding at the end the following new
2 paragraph:

3 “(2) 20 percent of so much of such cost as ex-
4 ceeds the limitation under subsection (b)(1) that
5 does not exceed the amount of cost attributable to
6 qualified alternative vehicle refueling property (de-
7 termined without regard to paragraphs (1), (2)(A),
8 and (2)(B) of subsection (c)) which—

9 “(A) is intended for general public use and
10 recharges motor vehicle batteries with no asso-
11 ciated fee or payment arrangement,

12 “(B) is intended for general public use and
13 accepts payment via a credit card reader, or

14 “(C) is intended for use exclusively by
15 fleets of commercial or governmental vehicles.”.

16 (2) CONFORMING AMENDMENT.—Section
17 30C(b) is amended—

18 (A) by striking “The credit allowed under
19 subsection (a)” and inserting “The amount of
20 cost taken into account under subsection
21 (a)(1)”,

22 (B) by striking “\$30,000” and inserting
23 “\$100,000”, and

24 (C) by striking “\$1,000” and inserting
25 “\$3,333.33”.

1 (c) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to property placed in service after
3 December 31, 2020.

4 **SEC. 90436. MODIFICATION OF EMPLOYER-PROVIDED**
5 **FRINGE BENEFITS FOR BICYCLE COM-**
6 **MUTING.**

7 (a) REPEAL OF SUSPENSION OF EXCLUSION FOR
8 QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—
9 Section 132(f) is amended by striking paragraph (8).

10 (b) COMMUTING FRINGE INCLUDES BIKESHARE.—

11 (1) IN GENERAL.—Clause (i) of section
12 132(f)(5)(F) is amended by striking “a bicycle” and
13 all that follows and inserting “bikeshare, a bicycle,
14 and bicycle improvements, repair, and storage, if the
15 employee regularly uses such bikeshare or bicycle for
16 travel between the employee’s residence and place of
17 employment or mass transit facility that connects an
18 employee to their place of employment.”.

19 (2) BIKESHARE.—Section 132(f)(5)(F) is
20 amended by adding at the end the following:

21 “(iv) BIKESHARE.—The term
22 ‘bikeshare’ means a bicycle rental oper-
23 ation at which bicycles are made available
24 to customers to pick up and drop off for

1 point-to-point use within a defined geo-
2 graphic area.”.

3 (c) LOW-SPEED ELECTRIC BICYCLES.—Section
4 132(f)(5)(F), as amended by subsection (b)(2), is amend-
5 ed by adding at the end the following:

6 “(v) LOW-SPEED ELECTRIC BICY-
7 CLES.—The term ‘bicycle’ includes a two-
8 or three-wheeled vehicle with fully operable
9 pedals and an electric motor of less than
10 750 watts (1 h.p.), whose maximum speed
11 on a paved level surface, when powered
12 solely by such a motor while ridden by an
13 operator who weighs 170 pounds, is less
14 than 20 mph.”.

15 (d) MODIFICATION RELATING TO BICYCLE COM-
16 MUTING MONTH.—Clause (iii) of section 132(f)(5)(F) is
17 amended to read as follows:

18 “(iii) QUALIFIED BICYCLE COM-
19 MUTING MONTH.—The term ‘qualified bi-
20 cycle commuting month’ means, with re-
21 spect to any employee, any month during
22 which such employee regularly uses a bicy-
23 cle for a portion of the travel between the
24 employee’s residence and place of employ-
25 ment.”.

1 (e) LIMITATION ON EXCLUSION.—

2 (1) IN GENERAL.—Subparagraph (C) of section
3 132(f)(2) is amended by striking “applicable annual
4 limitation” and inserting “applicable monthly limita-
5 tion”.

6 (2) APPLICABLE MONTHLY LIMITATION DE-
7 FINED.—Clause (ii) of section 132(f)(5)(F) is
8 amended to read as follows:

9 “(ii) APPLICABLE MONTHLY LIMITA-
10 TION.—The term ‘applicable monthly limi-
11 tation’, with respect to any employee for
12 any month, means an amount equal to 20
13 percent of the dollar amount in effect for
14 the month under paragraph (2)(B).”.

15 (3) AGGREGATE LIMITATION.—Subparagraph
16 (B) of section 132(f)(2) is amended by inserting
17 “and the applicable monthly limitation in the case of
18 any qualified bicycle commuting benefit”.

19 (f) NO CONSTRUCTIVE RECEIPT.—Paragraph (4) of
20 section 132(f) is amended by striking “(other than a quali-
21 fied bicycle commuting reimbursement)”.

22 (g) CONFORMING AMENDMENTS.—Paragraphs
23 (1)(D), (2)(C), and (5)(F) of section 132(f) are each
24 amended by striking “reimbursement” each place it ap-
25 pears and inserting “benefit”.

1 (h) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2020.

4 **Subtitle E—Investment in the**
5 **Green Workforce**

6 **SEC. 90441. EXTENSION OF THE ADVANCED ENERGY**
7 **PROJECT CREDIT.**

8 (a) IN GENERAL.—Section 48C is amended by redес-
9 ignating subsection (e) as subsection (f) and by inserting
10 after subsection (d) the following new subsection:

11 “(e) ADDITIONAL ALLOCATIONS.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this paragraph, the
14 Secretary, after consultation with the Secretary of
15 Energy, shall establish a program to designate
16 amounts of qualifying advanced project credit limita-
17 tion to qualifying advanced energy projects.

18 “(2) ANNUAL LIMITATION.—

19 “(A) IN GENERAL.—The amount of quali-
20 fying advanced project credit limitation that
21 may be designated under this subsection during
22 any calendar year shall not exceed the annual
23 credit limitation with respect to such year.

24 “(B) ANNUAL CREDIT LIMITATION.—For
25 purposes of this subsection, the term ‘annual

1 credit limitation’ means \$2,500,000,000 for
2 each of calendar years 2021, 2022, 2023, 2024,
3 and 2025, and zero thereafter.

4 “(C) CARRYOVER OF UNUSED LIMITA-
5 TION.—If the annual credit limitation for any
6 calendar year exceeds the aggregate amount
7 designated for such year under this subsection,
8 such limitation for the succeeding calendar year
9 shall be increased by the amount of such excess.
10 No amount may be carried under the preceding
11 sentence to any calendar year after 2025.

12 “(3) PLACED IN SERVICE DEADLINE.—No cred-
13 it shall be determined under subsection (a) with re-
14 spect to any property which is placed in service after
15 the date that is 4 years after the date of the des-
16 ignation under this subsection relating to such prop-
17 erty.

18 “(4) SELECTION CRITERIA.—Selection criteria
19 similar to those in subsection (d)(3) shall apply, ex-
20 cept that in determining designations under this
21 subsection, the Secretary, after consultation with the
22 Secretary of Energy, shall give the highest priority
23 to projects which—

24 “(A) manufacture (other than primarily
25 assembly of components) property described in

1 a subclause of subsection (e)(1)(A)(i) (or com-
2 ponents thereof),

3 “(B) will pay to laborers and mechanics
4 wages not less than those prevailing on projects
5 of a similar character in the locality as deter-
6 mined by the Secretary of Labor in accordance
7 with subchapter IV of chapter 31 of title 40,
8 United States Code, and

9 “(C) have the greatest potential for com-
10 mercial deployment of new applications.

11 “(5) DISCLOSURE OF DESIGNATIONS.—Rules
12 similar to the rules of subsection (d)(5) shall apply
13 for purposes of this subsection.”.

14 (b) CLARIFICATION WITH RESPECT TO
15 ELECTROCHROMATIC GLASS.—Section
16 48C(c)(1)((A)(i)(V) is amended—

17 (1) by striking “and smart grid” and inserting
18 “, smart grid”, and

19 (2) by inserting “, and electrochromatic glass”
20 before the comma at the end.

21 (c) EFFECTIVE DATE.—The amendment made by
22 this section shall take effect on the date of the enactment
23 of this Act.

24 (d) PROGRESS REPORT.—During the 30-day period
25 ending on December 31, 2025, the Secretary of the Treas-

1 ury (or the Secretary’s delegate), after consultation with
2 the Secretary of Labor, shall submit a report to Congress
3 on the domestic job creation, wages associated with such
4 jobs, and the amount of such wages paid as described in
5 section 48C(e)(4)(B) of the Internal Revenue Code of
6 1986, attributable to the amendment made by this section.

7 **SEC. 90442. LABOR COSTS OF INSTALLING MECHANICAL IN-**
8 **SULATION PROPERTY.**

9 (a) IN GENERAL.—Subpart D of part IV of sub-
10 chapter A of chapter 1, as amended by the preceding pro-
11 visions of this Act, is further amended by adding at the
12 end the following new section:

13 **“SEC. 45V. LABOR COSTS OF INSTALLING MECHANICAL IN-**
14 **SULATION PROPERTY.**

15 “(a) IN GENERAL.—For purposes of section 38, the
16 mechanical insulation labor costs credit determined under
17 this section for any taxable year is an amount equal to
18 10 percent of the mechanical insulation labor costs paid
19 or incurred by the taxpayer during such taxable year.

20 “(b) MECHANICAL INSULATION LABOR COSTS.—For
21 purposes of this section—

22 “(1) IN GENERAL.—The term ‘mechanical insu-
23 lation labor costs’ means the labor cost of installing
24 mechanical insulation property with respect to a me-
25 chanical system referred to in paragraph (2)(A)

1 which was originally placed in service not less than
2 1 year before the date on which such mechanical in-
3 sulation property is installed.

4 “(2) MECHANICAL INSULATION PROPERTY.—
5 The term ‘mechanical insulation property’ means in-
6 sulation materials, and facings and accessory prod-
7 ucts installed in connection to such insulation mate-
8 rials—

9 “(A) placed in service in connection with a
10 mechanical system which—

11 “(i) is located in the United States,
12 and

13 “(ii) is of a character subject to an al-
14 lowance for depreciation, and

15 “(B) which result in a reduction in energy
16 loss from the mechanical system which is great-
17 er than the expected reduction from the instal-
18 lation of insulation materials which meet the
19 minimum requirements of Reference Standard
20 90.1 (as defined in section 179D(c)(2)).

21 “(c) TERMINATION.—This section shall not apply to
22 mechanical insulation labor costs paid or incurred after
23 December 31, 2025.”

24 (b) CREDIT ALLOWED AS PART OF GENERAL BUSI-
25 NESS CREDIT.—Section 38(b), as amended by the pre-

1 ceding provisions of this Act, is further amended by strik-
2 ing “plus” at the end of paragraph (33), by striking the
3 period at the end of paragraph (34) and inserting “, plus”,
4 and by adding at the end the following new paragraph:

5 “(35) the mechanical insulation labor costs
6 credit determined under section 45U(a).”.

7 (c) CONFORMING AMENDMENTS.—

8 (1) Section 280C is amended by adding at the
9 end the following new subsection:

10 “(i) MECHANICAL INSULATION LABOR COSTS CRED-
11 IT.—

12 “(1) IN GENERAL.—No deduction shall be al-
13 lowed for that portion of the mechanical insulation
14 labor costs (as defined in section 45U(b)) otherwise
15 allowable as deduction for the taxable year which is
16 equal to the amount of the credit determined for
17 such taxable year under section 45U(a).

18 “(2) SIMILAR RULE WHERE TAXPAYER CAP-
19 ITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

20 “(A) the amount of the credit determined
21 for the taxable year under section 45U(a), ex-
22 ceeds

23 “(B) the amount of allowable as a deduc-
24 tion for such taxable year for mechanical insu-

1 lation labor costs (determined without regard to
2 paragraph (1)),
3 the amount chargeable to capital account for the
4 taxable year for such costs shall be reduced by the
5 amount of such excess.”.

6 (2) The table of sections for subpart D of part
7 IV of subchapter A of chapter 1, as amended by the
8 preceding provisions of this Act, is further amended
9 by adding at the end the following new item:

“Sec. 45V. Labor costs of installing mechanical insulation property.”.

10 (d) **EFFECTIVE DATE.**—The amendments made by
11 this section shall apply to amounts paid or incurred after
12 December 31, 2020, in taxable years ending after such
13 date.

14 **Subtitle F—Environmental Justice**

15 **SEC. 90451. QUALIFIED ENVIRONMENTAL JUSTICE PRO-** 16 **GRAM CREDIT.**

17 (a) **IN GENERAL.**—Subpart C of part IV of sub-
18 chapter A of chapter 1 is amended by adding at the end
19 the following new section:

20 **“SEC. 36C. QUALIFIED ENVIRONMENTAL JUSTICE PRO-** 21 **GRAMS.**

22 “(a) **ALLOWANCE OF CREDIT.**—In the case of an eli-
23 gible educational institution, there shall be allowed as a
24 credit against the tax imposed by this subtitle for any tax-
25 able year an amount equal to the applicable percentage

1 of the amounts paid or incurred by such taxpayer during
2 such taxable year which are necessary for a qualified envi-
3 ronmental justice program.

4 “(b) QUALIFIED ENVIRONMENTAL JUSTICE PRO-
5 GRAM.—For purposes of this section—

6 “(1) IN GENERAL.—The term ‘qualified envi-
7 ronmental justice program’ means a program con-
8 ducted by one or more eligible educational institu-
9 tions that is designed to address, or improve data
10 about, qualified environmental stressors for the pri-
11 mary purpose of improving, or facilitating the im-
12 provement of, health and economic outcomes of indi-
13 viduals residing in low-income areas or areas popu-
14 lated disproportionately by racial or ethnic minori-
15 ties.

16 “(2) QUALIFIED ENVIRONMENTAL STRESSOR.—
17 The term ‘qualified environmental stressor’ means,
18 with respect to an area, a contamination of the air,
19 water, soil, or food with respect to such area or a
20 change relative to historical norms of the weather
21 conditions of such area.

22 “(c) ELIGIBLE EDUCATIONAL INSTITUTION.—For
23 purposes of this section, the term ‘eligible educational in-
24 stitution’ means an institution of higher education (as
25 such term is defined in section 101 or 102(c) of the High-

1 er Education Act of 1965) that is eligible to participate
2 in a program under title IV of such Act.

3 “(d) APPLICABLE PERCENTAGE.—For purposes of
4 this section, the term ‘applicable percentage’ means—

5 “(1) in the case of a program involving material
6 participation of faculty and students of an institu-
7 tion described in section 371(a) of the Higher Edu-
8 cation Act of 1965, 30 percent , and

9 “(2) in all other cases, 20 percent.

10 “(e) CREDIT ALLOCATION.—

11 “(1) ALLOCATION.—

12 “(A) IN GENERAL.—The Secretary shall
13 allocate credit dollar amounts under this section
14 to eligible educational institutions, for qualified
15 environmental justice programs, that—

16 “(i) submit applications at such time
17 and in such manner as the Secretary may
18 provide, and

19 “(ii) are selected by the Secretary
20 under subparagraph (B).

21 “(B) SELECTION CRITERIA.—The Sec-
22 retary, after consultation with the Secretary of
23 Energy, the Secretary of Education, the Sec-
24 retary of Health and Human Services, and the
25 Administrator of the Environmental Protection

1 Agency, shall select applications on the basis of
2 the following criteria:

3 “(i) The extent of participation of fac-
4 ulty and students of an institution de-
5 scribed in section 371(a) of the Higher
6 Education Act of 1965.

7 “(ii) The extent of the expected effect
8 on the health or economic outcomes of in-
9 dividuals residing in areas within the
10 United States that are low-income areas or
11 areas populated disproportionately by ra-
12 cial or ethnic minorities.

13 “(iii) The creation or significant ex-
14 pansion of qualified environmental justice
15 programs.

16 “(2) LIMITATIONS.—

17 “(A) IN GENERAL.—The amount of the
18 credit determined under this section for any
19 taxable year to any eligible educational institu-
20 tion for any qualified environmental justice pro-
21 gram shall not exceed the excess of—

22 “(i) the credit dollar amount allocated
23 to such institution for such program under
24 this subsection, over

1 “(ii) the credits previously claimed by
2 such institution for such program under
3 this section.

4 “(B) FIVE-YEAR LIMITATION.—No
5 amounts paid or incurred after the 5-year pe-
6 riod beginning on the date a credit dollar
7 amount is allocated to an eligible educational
8 institution for a qualified environmental justice
9 program shall be taken into account under sub-
10 section (a) with respect to such institution for
11 such program.

12 “(C) ALLOCATION LIMITATION.—The total
13 amount of credits that may be allocated under
14 the program shall not exceed—

15 “(i) \$1,000,000,000 for each of 2021,
16 2022, 2023, 2024, and 2025, and

17 “(ii) \$0 for each subsequent year.

18 “(f) REQUIREMENTS.—

19 “(1) IN GENERAL.—An eligible educational in-
20 stitution that has been allocated credit dollar
21 amounts under this section for a qualified environ-
22 mental justice project for a taxable year shall—

23 “(A) make publicly available the applica-
24 tion submitted to the Secretary under sub-
25 section (e) with respect to such project, and

1 “(B) submit an annual report to the Sec-
2 retary that describes the amounts paid or in-
3 curred for, and expected impact of, such
4 project.

5 “(2) FAILURE TO COMPLY.—In the case of an
6 eligible education institution that has failed to com-
7 ply with the requirements of this subsection, the
8 credit dollar amount allocated to such institution
9 under this section is deemed to be \$0.

10 “(g) PUBLIC DISCLOSURE.—The Secretary, upon
11 making an allocation of credit dollar amounts under this
12 section, shall publicly disclose—

13 “(1) the identity of the eligible educational in-
14 stitution receiving the allocation, and

15 “(2) the amount of such allocation.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 6211(b)(4)(A) is amended by insert-
18 ing “36C,” after “36B,”.

19 (2) Paragraph (2) of section 1324(b) of title
20 31, United States Code, is amended by inserting
21 “36C,” after “36B,”.

22 (c) CLERICAL AMENDMENT.—The table of sections
23 for subpart C of part IV of subchapter A of chapter 1
24 is amended by inserting after the item relating to section
25 36B the following new item:

 “Sec. 36C. Qualified environmental justice programs.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

4 **Subtitle G—Treasury Report on**
5 **Data From the Greenhouse Gas**
6 **Reporting Program**

7 **SEC. 90461. REPORT ON GREENHOUSE GAS REPORTING**
8 **PROGRAM.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of the
11 Treasury (or the Secretary’s delegate) shall submit a re-
12 port to Congress on the utility of the data from the Green-
13 house Gas Reporting Program for determining the amount
14 of greenhouse gases emitted by each taxpayer for the pur-
15 pose of imposing a fee on such taxpayers with respect to
16 such emissions. Such report shall include a detailed de-
17 scription and analysis of any administrative or other chal-
18 lenges associated with using such data for such purpose.

19 (b) GREENHOUSE GAS REPORTING PROGRAM.—For
20 purposes of this section, the term “Greenhouse Gas Re-
21 porting Program” means the reporting program estab-
22 lished by the Administrator of the Environmental Protec-
23 tion Agency under title II of division F of the Consolidated
24 Appropriations Act, 2008.

1 **TITLE V—DISASTER AND**
2 **RESILIENCY**

3 **SEC. 90501. EXCLUSION OF AMOUNTS RECEIVED FROM**
4 **STATE-BASED CATASTROPHE LOSS MITIGA-**
5 **TION PROGRAMS.**

6 (a) IN GENERAL.—Section 139 of the Internal Rev-
7 enue Code of 1986 is amended by redesignating subsection
8 (h) as subsection (i) and by inserting after subsection (g)
9 the following new subsection:

10 “(h) STATE-BASED CATASTROPHE LOSS MITIGATION
11 PROGRAMS.—

12 “(1) IN GENERAL.—Gross income shall not in-
13 clude any amount received by an individual as a
14 qualified catastrophe mitigation payment under a
15 program established by a State, or a political sub-
16 division or instrumentality thereof, for the purpose
17 of making such payments.

18 “(2) QUALIFIED CATASTROPHE MITIGATION
19 PAYMENT.—For purposes of this section, the term
20 ‘qualified catastrophe mitigation payment’ means
21 any amount which is received by an individual to
22 make improvements to such individual’s residence
23 for the sole purpose of reducing the damage that
24 would be done to such residence by a windstorm,
25 earthquake, or wildfire.

1 **TITLE VI—HOUSING**
2 **Subtitle A—Low-income Housing**
3 **Tax Credit Improvements**

4 **SEC. 90601. EXTENSION OF PERIOD FOR REHABILITATION**
5 **EXPENDITURES.**

6 (a) **IN GENERAL.**—Clause (ii) of section 42(e)(3)(A)
7 is amended by inserting “(any 36-month period, in the
8 case of buildings receiving an allocation of housing credit
9 dollar amount before January 1, 2022)” after “24-month
10 period”.

11 (b) **CONFORMING AMENDMENT.**—Subparagraph (A)
12 of section 42(e)(4) is amended by inserting “(or 36-month
13 period, if applicable)” after “24-month period”.

14 (c) **EFFECTIVE DATE.**—The amendments made by
15 this section shall apply to buildings receiving an allocation
16 of housing credit dollar amount after December 31, 2016.

17 **SEC. 90602. EXTENSION OF BASIS EXPENDITURE DEADLINE.**

18 (a) **IN GENERAL.**—Clause (i) of section 42(h)(1)(E)
19 is amended by inserting “(the third calendar year, in the
20 case of an allocation made before January 1, 2022)” after
21 “second calendar year”.

22 (b) **QUALIFIED BUILDING.**—Clause (ii) of section
23 42(h)(1)(E) is amended—

1 (1) by striking “the date which is 1 year after
2 the date that the allocation was made” and inserting
3 “the applicable date”,

4 (2) by inserting “(or third, if applicable)” after
5 “second” in the first sentence,

6 (3) by inserting “(or third)” after “second” in
7 the second sentence,

8 (4) by striking “BUILDING.—For purposes of”
9 and inserting “BUILDING.—

10 “(I) IN GENERAL.—For purposes
11 of”, and

12 (5) by adding at the end the following new sub-
13 clause:

14 “(II) APPLICABLE DATE.—For
15 purposes of subclause (I), the applica-
16 ble date is 1 year after the date that
17 the allocation was made with respect
18 to the building (2 years, in the case of
19 allocations made before January 1,
20 2022).”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to buildings receiving an allocation
23 of housing credit dollar amount after December 31, 2016.

1 **SEC. 90603. TAX-EXEMPT BOND FINANCING REQUIREMENT.**

2 (a) IN GENERAL.—Subparagraph (B) of section
3 42(h)(4) is amended by adding at the end the following:
4 “In the case of buildings placed in service in taxable years
5 ending before January 1, 2022, the preceding sentence
6 shall be applied by substituting ‘25 percent’ for ‘50 per-
7 cent’.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to buildings placed in service in
10 taxable years beginning after December 31, 2019.

11 **SEC. 90604. MINIMUM CREDIT RATE.**

12 (a) IN GENERAL.—Subsection (b) of section 42 is
13 amended—

14 (1) by redesignating paragraph (3) as para-
15 graph (4), and

16 (2) by inserting after paragraph (2) the fol-
17 lowing new paragraph:

18 “(3) MINIMUM CREDIT RATE.—In the case of
19 any new or existing building to which paragraph (2)
20 does not apply, the applicable percentage shall not
21 be less than 4 percent.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to buildings which receive alloca-
24 tions of housing credit dollar amount or, in the case of
25 projects financed by tax-exempt bonds as described in sec-
26 tion 42(h)(4) of the Internal Revenue Code of 1986, which

1 receive a determination of housing credit dollar amount,
2 after December 31, 2019, and which are placed in service
3 by the taxpayer after such date.

4 **SEC. 90605. INCREASES IN STATE ALLOCATIONS.**

5 (a) IN GENERAL.—Clause (ii) of section 42(h)(3)(C)
6 is amended—

7 (1) by striking “\$1.75” in subclause (I) and in-
8 serting “\$4.56 (\$3.58 in the case of calendar year
9 2021)”, and

10 (2) by striking “\$2,000,000” in subclause (II)
11 and inserting “\$5,214,051 (\$4,097,486 in the case
12 of calendar year 2021)”.

13 (b) COST-OF-LIVING ADJUSTMENT.—Subparagraph
14 (H) of section 42(h)(3) is amended—

15 (1) by striking “2002” in clause (i) and insert-
16 ing “2020”,

17 (2) by striking “the \$2,000,000 and \$1.75
18 amounts in subparagraph (C)” in clause (i) and in-
19 serting “the dollar amounts applicable to such cal-
20 endar year under subclauses (I) and (II) of subpara-
21 graph (C)(ii)”,

22 (3) by striking “2001” in clause (i)(II) and in-
23 serting “2019”,

1 (4) by striking “\$2,000,000 amount” in clause
2 (ii)(I) and inserting “amount under subparagraph
3 (C)(ii)(II)”, and

4 (5) by striking “\$1.75 amount” in clause
5 (ii)(II) and inserting “amount under subparagraph
6 (C)(ii)(I)”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to calendar years beginning after
9 December 31, 2020.

10 **SEC. 90606. INCREASE IN CREDIT FOR CERTAIN PROJECTS**

11 **DESIGNATED TO SERVE EXTREMELY LOW-IN-**
12 **COME HOUSEHOLDS.**

13 (a) IN GENERAL.—Paragraph (5) of section 42(d) is
14 amended by adding at the end the following new subpara-
15 graph:

16 “(C) INCREASE IN CREDIT FOR PROJECTS
17 DESIGNATED TO SERVE EXTREMELY LOW-IN-
18 COME HOUSEHOLDS.—In the case of any build-
19 ing—

20 “(i) 20 percent or more of the resi-
21 dential units in which are rent-restricted
22 (determined as if the imputed income limi-
23 tation applicable to such units were 30
24 percent of area median gross income) and
25 are designated by the taxpayer for occu-

1 pancy by households the aggregate house-
2 hold income of which does not exceed the
3 greater of—

4 “(I) 30 percent of area median
5 gross income, or

6 “(II) 100 percent of an amount
7 equal to the Federal poverty line
8 (within the meaning of section
9 36B(d)(3)), and

10 “(ii) which is designated by the hous-
11 ing credit agency as requiring the increase
12 in credit under this subparagraph in order
13 for such building to be financially feasible
14 as part of a qualified low-income housing
15 project,

16 subparagraph (B) shall not apply to the portion
17 of such building which is comprised of such
18 units, and the eligible basis of such portion of
19 the building shall be 150 percent of such basis
20 determined without regard to this subpara-
21 graph.”.

22 (b) RESERVED STATE ALLOCATION.—Subparagraph
23 (C) of section 42(h)(3) is amended—

24 (1) by striking “plus” at the end of clause (iii),

1 (2) by striking the period at the end of clause
2 (iv) and inserting “, plus”,

3 (3) by inserting after clause (iv) the following
4 new clause:

5 “(v) an amount equal to 10 percent of
6 the sum of the amounts determined under
7 clauses (i), (ii), (iii), and (iv) (if any).”,
8 and

9 (4) by adding at the end the following: “Any
10 amount allocated pursuant to clause (v) shall be ac-
11 counted for separately and shall be allocated only to
12 buildings to which subsection (d)(5)(C) applies.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to buildings which receive alloca-
15 tions of housing credit dollar amount or, in the case of
16 projects financed by tax-exempt bonds as described in sec-
17 tion 42(h)(4) of the Internal Revenue Code of 1986, which
18 receive a determination of housing credit dollar amount,
19 after the date of the enactment of this Act.

20 **SEC. 90607. INCLUSION OF INDIAN AREAS AS DIFFICULT**
21 **DEVELOPMENT AREAS FOR PURPOSES OF**
22 **CERTAIN BUILDINGS.**

23 (a) IN GENERAL.—Subclause (I) of section
24 42(d)(5)(B)(iii) is amended by inserting before the period
25 the following: “, and any Indian area”.

1 (b) INDIAN AREA.—Clause (iii) of section
2 42(d)(5)(B) is amended by redesignating subclause (II)
3 as subclause (IV) and by inserting after subclause (I) the
4 following new subclauses:

5 “(II) INDIAN AREA.—For pur-
6 poses of subclause (I), the term ‘In-
7 dian area’ means any Indian area (as
8 defined in section 4(11) of the Native
9 American Housing Assistance and
10 Self Determination Act of 1996 (25
11 U.S.C. 4103(11))).

12 “(III) SPECIAL RULE FOR
13 BUILDINGS IN INDIAN AREAS.—In the
14 case of an area which is a difficult de-
15 velopment area solely because it is an
16 Indian area, a building shall not be
17 treated as located in such area unless
18 such building is assisted or financed
19 under the Native American Housing
20 Assistance and Self Determination
21 Act of 1996 (25 U.S.C. 4101 et seq.)
22 or the project sponsor is an Indian
23 tribe (as defined in section
24 45A(c)(6)), a tribally designated hous-
25 ing entity (as defined in section 4(22))

1 of such Act (25 U.S.C. 4103(22))), or
2 wholly owned or controlled by such an
3 Indian tribe or tribally designated
4 housing entity.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to buildings placed in service after
7 December 31, 2019.

8 **SEC. 90608. INCLUSION OF RURAL AREAS AS DIFFICULT DE-**
9 **VELOPMENT AREAS.**

10 (a) IN GENERAL.—Subclause (I) of section
11 42(d)(5)(B)(iii), as amended by the preceding sections of
12 this Act, is amended by inserting “, any rural area” after
13 “median gross income”.

14 (b) RURAL AREA.—Clause (iii) of section
15 42(d)(5)(B), as amended by the preceding sections of this
16 Act, is further amended by redesignating subclause (IV)
17 as subclause (V) and by inserting after subclause (III) the
18 following new subclause:

19 “(IV) RURAL AREA.—For pur-
20 poses of subclause (I), the term ‘rural
21 area’ means any non-metropolitan
22 area, or any rural area as defined by
23 section 520 of the Housing Act of
24 1949, which is identified by the quali-

1 fied allocation plan under subsection
2 (m)(1)(B).”.

3 (c) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to buildings placed in service after
5 December 31, 2019.

6 **SEC. 90609. INCREASE IN CREDIT FOR BOND-FINANCED**
7 **PROJECTS DESIGNATED BY HOUSING CREDIT**
8 **AGENCY.**

9 (a) **IN GENERAL.**—Clause (v) of section 42(d)(5)(B)
10 is amended by striking the second sentence.

11 (b) **TECHNICAL AMENDMENT.**—Clause (v) of section
12 42(d)(5)(B), as amended by subsection (a), is further
13 amended—

14 (1) by striking “STATE” in the heading, and
15 (2) by striking “State housing credit agency”
16 and inserting “housing credit agency”.

17 (c) **EFFECTIVE DATE.**—The amendments made by
18 this section shall apply to buildings which receive a deter-
19 mination of housing credit dollar amount after the date
20 of the enactment of this Act.

21 **SEC. 90610. REPEAL OF QUALIFIED CONTRACT OPTION.**

22 (a) **TERMINATION OF OPTION FOR CERTAIN BUILD-**
23 **INGS.**—

24 (1) **IN GENERAL.**—Subclause (II) of section
25 42(h)(6)(E)(i) is amended by inserting “in the case

1 of a building described in clause (iii),” before “on
2 the last day”.

3 (2) BUILDINGS DESCRIBED.—Subparagraph
4 (E) of section 42(h)(6) is amended by adding at the
5 end the following new clause:

6 “(iii) BUILDINGS DESCRIBED.—A
7 building described in this clause is a build-
8 ing—

9 “(I) which received its allocation
10 of housing credit dollar amount before
11 January 1, 2020, or

12 “(II) in the case of a building
13 any portion of which is financed as
14 described in paragraph (4), which re-
15 ceived before January 1, 2020, a de-
16 termination from the issuer of the
17 tax-exempt bonds or the housing cred-
18 it agency that the building is eligible
19 to receive an allocation of housing
20 credit dollar amount under the rules
21 of paragraphs (1) and (2) of sub-
22 section (m).”.

23 (b) RULES RELATING TO EXISTING PROJECTS.—
24 Subparagraph (F) of section 42(h)(6) is amended by strik-
25 ing “the nonlow-income portion” and all that follows and

1 inserting “the nonlow-income portion and the low-income
2 portion of the building for fair market value (determined
3 by the housing credit agency by taking into account the
4 rent restrictions required for the low-income portion of the
5 building to continue to meet the standards of paragraphs
6 (1) and (2) of subsection (g)). The Secretary shall pre-
7 scribe such regulations as may be necessary or appropriate
8 to carry out this paragraph.”.

9 (c) CONFORMING AMENDMENTS.—

10 (1) Paragraph (6) of section 42(h) is amended
11 by striking subparagraph (G) and by redesignating
12 subparagraphs (H), (I), (J), and (K) as subpara-
13 graphs (G), (H), (I), and (J), respectively.

14 (2) Subclause (II) of section 42(h)(6)(E)(i), as
15 amended by subsection (a), is further amended by
16 striking “subparagraph (I)” and inserting “subpara-
17 graph (H)”.

18 (d) TECHNICAL AMENDMENT.—Subparagraph (I) of
19 section 42(h)(6), as redesignated by subsection (c), is
20 amended by striking “agreement” and inserting “commit-
21 ment”.

22 (e) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to buildings with respect to which
24 a written request described in section 42(h)(6)(H) of the

1 Internal Revenue Code of 1986 is submitted after the date
2 of the enactment of this Act.

3 **SEC. 90611. PROHIBITION OF LOCAL APPROVAL AND CON-**
4 **TRIBUTION REQUIREMENTS.**

5 (a) IN GENERAL.—Paragraph (1) of section 42(m)
6 is amended—

7 (1) by striking clause (ii) of subparagraph (A)
8 and by redesignating clauses (iii) and (iv) thereof as
9 clauses (ii) and (iii), and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(E) LOCAL APPROVAL OR CONTRIBUTION
13 NOT TAKEN INTO ACCOUNT.—The selection cri-
14 teria under a qualified allocation plan shall not
15 include consideration of—

16 “(i) any support or opposition with re-
17 spect to the project from local or elected
18 officials, or

19 “(ii) any local government contribu-
20 tion to the project, except to the extent
21 such contribution is taken into account as
22 part of a broader consideration of the
23 project’s ability to leverage outside funding
24 sources, and is not prioritized over any
25 other source of outside funding.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to allocations of housing credit dol-
3 lar amounts made after December 31, 2020.

4 **SEC. 90612. ADJUSTMENT OF CREDIT TO PROVIDE RELIEF**
5 **DURING COVID-19 OUTBREAK.**

6 (a) IN GENERAL.—At the election of a taxpayer who
7 is an owner of an eligible low-income building—

8 (1) the credit determined under section 42 of
9 the Internal Revenue Code of 1986 for the first or
10 second taxable year of such building’s credit period
11 ending on or after July 1, 2020, shall be 150 per-
12 cent of the amount which would (but for this sub-
13 section) be so allowable with respect to such building
14 for such taxable year, and

15 (2) the aggregate credits allowable under such
16 section with respect to such building shall be re-
17 duced, on a pro rata basis for each subsequent tax-
18 able year in the credit period, by the increase in the
19 credit allowed by reason of paragraph (1) with re-
20 spect to such first or second taxable year.

21 The preceding sentence shall not be construed to affect
22 whether any taxable year is part of the credit, compliance,
23 or extended use periods for purposes of such section 42.

24 (b) ELIGIBLE LOW-INCOME BUILDING.—For pur-
25 poses of this section, the term “eligible low-income build-

1 ing” means a qualified low-income building with respect
2 to which—

3 (1) the first year in the credit period ends on
4 or after July 1, 2020, and before July 1, 2022, and

5 (2) construction or leasing delays have occurred
6 after January 31, 2020, due to the outbreak of
7 coronavirus disease 2019 (COVID-19) in the United
8 States.

9 (c) ELECTION.—

10 (1) IN GENERAL.—The election under sub-
11 section (a) shall be made at such time and in such
12 manner as shall be prescribed by the Secretary of
13 the Treasury (or the Secretary’s delegate) and, once
14 made, shall be irrevocable by the taxpayer and any
15 successor in ownership.

16 (2) PARTNERSHIPS.—In the case of an eligible
17 low-income building owned by a partnership or S
18 corporation, such election shall be made at the entity
19 level.

20 (3) CERTIFICATION.—An owner making such
21 election shall provide to the housing credit agency,
22 at the same time and in addition to such other infor-
23 mation as may be required under section 42(l)(1) of
24 the Internal Revenue Code of 1986 with respect to
25 the building, a certification that the purpose of mak-

1 ing such election is to offset any reductions in cap-
2 ital or additional costs arising by reason of the out-
3 break of coronavirus disease 2019 (COVID-19) in
4 the United States. Such certification shall include
5 any documentation which the housing credit agency
6 may request.

7 (d) DEFINITIONS.—Any term used in this section
8 which is also used in section 42 of the Internal Revenue
9 Code of 1986 shall have the same meaning as when used
10 in such section.

11 **SEC. 90613. CREDIT FOR LOW-INCOME HOUSING SUP-**
12 **PORTIVE SERVICES.**

13 (a) IN GENERAL.—Subpart D of part IV of sub-
14 chapter A of chapter 1 is amended by inserting after sec-
15 tion 42 the following new section:

16 **“SEC. 42A. CREDIT FOR CONTRIBUTIONS TO LOW-INCOME**
17 **HOUSING SUPPORTIVE SERVICES.**

18 “(a) IN GENERAL.—For purposes of section 38, the
19 amount of the low-income housing supportive services
20 credit determined under this section for the applicable tax-
21 able year is an amount equal to 25 percent of the qualified
22 supportive housing contribution made by the taxpayer.

23 “(b) QUALIFIED SUPPORTIVE HOUSING CONTRIBU-
24 TION.—For purposes of this section—

1 “(1) IN GENERAL.—The term ‘qualified sup-
2 portive housing contribution’ means the total
3 amount contributed in cash by the taxpayer to a
4 qualified supportive housing reserve fund with re-
5 spect to a qualified low-income building, determined
6 as of the date the building is placed in service.

7 “(2) QUALIFIED SUPPORTIVE HOUSING RE-
8 SERVE FUND.—The term ‘qualified supportive hous-
9 ing reserve fund’ means, with respect to any quali-
10 fied low-income building, a separate fund reserved
11 exclusively for payment for qualified supportive serv-
12 ices provided to tenants of the building pursuant to
13 an extended supportive services commitment. The
14 owner of such building shall designate an adminis-
15 trator to separately account for the amounts in the
16 fund in such manner as the Secretary may prescribe.

17 “(3) LIMITATIONS.—

18 “(A) IN GENERAL.—No amount attrib-
19 utable to any governmental grant, including
20 grants provided by the government of any
21 State, possession, tribe, or locality, shall be
22 taken into account under paragraph (1).

23 “(B) DOLLAR LIMITATION.—The total
24 qualified supportive housing contributions taken
25 into account under this section with respect to

1 any qualified low-income building shall not ex-
2 ceed—

3 “(i) \$120,000, multiplied by

4 “(ii) the number of low-income units
5 in the building which are occupied at the
6 close of the applicable taxable year.

7 “(c) APPLICABLE TAXABLE YEAR.—For purposes of
8 this section, the term ‘applicable taxable year’ means the
9 1st taxable year in the credit period with respect to the
10 qualified low-income building described in subsection
11 (b)(1).

12 “(d) QUALIFIED SUPPORTIVE SERVICES.—For pur-
13 poses of this section, the term ‘qualified supportive serv-
14 ices’ means services—

15 “(1) provided by the owner of a qualified low-
16 income building (directly or through contracts with
17 a third party service provider) to tenants of the
18 building,

19 “(2) which include health services (including
20 mental health services), coordination of tenant bene-
21 fits, job training, financial counseling, resident en-
22 gagement services, or services the principal purpose
23 of which is to help tenants retain permanent hous-
24 ing, or such other services as the Secretary may by
25 regulation provide,

1 “(3) which are provided at no cost to tenants,
2 and

3 “(4) usage of or participation in which is not
4 required for tenants.

5 Such term includes reasonable and necessary measures for
6 the provision of such services, including measures to en-
7 gage tenants in and coordinate such services and measures
8 required to obtain the certification described in subsection
9 (e)(4).

10 “(e) EXTENDED SUPPORTIVE SERVICES COMMIT-
11 MENT.—The term ‘extended supportive services commit-
12 ment’ means any agreement between the owner of a quali-
13 fied low-income building and the housing credit agency
14 which—

15 “(1) requires that amounts in a qualified sup-
16 portive housing reserve fund are spent exclusively on
17 the provision of qualified supportive services to ten-
18 ants of such building,

19 “(2) requires that the amounts in such fund be
20 spent entirely during the extended use period, and
21 provides for the manner in which such spending will
22 be distributed across such period,

23 “(3) requires the designation of 1 or more indi-
24 viduals to engage tenants regarding and coordinate
25 delivery of qualified supportive services,

1 “(4) requires the maintenance of an appro-
2 priate certification, as determined by the Secretary
3 after consultation with the Secretary of Housing and
4 Urban Development, for qualified supportive serv-
5 ices, subject to recertification at least once every 5
6 years,

7 “(5) requires appropriate annual reporting to
8 the housing credit agency on expenditures and out-
9 comes, as determined by such agency, and

10 “(6) is binding on all successors in ownership of
11 such building.

12 “(f) RECAPTURE OF QUALIFIED SUPPORTIVE HOUS-
13 ING RESERVE AMOUNTS.—

14 “(1) IN GENERAL.—If the owner of a qualified
15 low-income building is determined to be noncompli-
16 ant with the extended supportive services commit-
17 ment or extended low-income housing commitment
18 with respect to such building, any remaining
19 amounts in the qualified supportive housing reserve
20 fund with respect to such building shall be trans-
21 ferred to the housing credit agency.

22 “(2) USE OF REPAYMENTS.—A housing credit
23 agency shall use any amount received pursuant to
24 paragraph (1) only for purposes of qualified low-in-
25 come buildings.

1 “(g) SPECIAL RULES.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of this section, no credit shall be allowed
4 under this section for any taxable year with respect
5 to any qualified low-income building unless—

6 “(A) the building has received an alloca-
7 tion of the low-income housing credit under sec-
8 tion 42 by a housing credit agency which is ap-
9 proved by the governmental unit (in accordance
10 with rules similar to the rules of section
11 147(f)(2) (other than subparagraph (B)(ii)
12 thereof)) of which such agency is a part,

13 “(B) the qualified allocation plan of the
14 housing credit agency sets forth selection cri-
15 teria to determine appropriate, evidence-based
16 supportive services and provides a procedure
17 that the agency (or an agent or other private
18 contractor of such agency) will follow in moni-
19 toring for noncompliance with the provisions of
20 this section and in reporting such noncompli-
21 ance to the Secretary,

22 “(C) an extended low-income housing com-
23 mitment is in effect with respect to such build-
24 ing as of the end of such taxable year,

1 “(D) an extended supportive services com-
2 mitment is in effect with respect to such build-
3 ing as of the end of such taxable year, and

4 “(E) appropriate books and records for
5 itemized expenses and expenditures with respect
6 to the qualified supportive housing reserve fund
7 are maintained on an annual basis, and are
8 available for inspection upon request by the
9 housing credit agency.

10 “(2) DENIAL OF DOUBLE BENEFIT.—The de-
11 ductions otherwise allowed under this chapter for the
12 taxable year shall be reduced by the amount of the
13 credit allowed under this section for such taxable
14 year.

15 “(h) DEFINITIONS.—Any term used in this section
16 which is also used in section 42 shall have the same mean-
17 ing as when used in such section.”.

18 (b) CREDIT TO BE PART OF GENERAL BUSINESS
19 CREDIT.—

20 (1) IN GENERAL.—Section 38(b), as amended
21 by the preceding provisions of this Act, is amended
22 by striking “plus” at the end of paragraph (34), by
23 striking the period at the end of paragraph (35) and
24 inserting “, plus”, and by adding at the end the fol-
25 lowing new paragraph:

1 “(36) the low-income housing supportive serv-
2 ices credit determined under section 42A(a).”.

3 (2) TREATMENT AS SPECIFIED CREDIT.—
4 Clause (iii) of section 38(c)(4)(B) is amended by in-
5 serting “, and the credit determined under section
6 42A” after “2007”.

7 (c) TREATMENT FOR PURPOSES OF TAX ON BASE
8 EROSION PAYMENTS.—Paragraph (4) of section 59A(b)
9 is amended by redesignating subparagraphs (B) and (C)
10 as subparagraphs (C) and (D), respectively, and by insert-
11 ing after subparagraph (A) the following new subpara-
12 graph:

13 “(B) the low-income housing supportive
14 services credit determined under section
15 42A(a),”.

16 (d) PASSIVE ACTIVITY CREDITS.—

17 (1) IN GENERAL.—Section 469 is amended by
18 striking “42” each place it appears in subsections
19 (i)(3)(C), (i)(6)(B)(i), and (k)(1) and inserting “42
20 or 42A”.

21 (2) CONFORMING AMENDMENTS.—The head-
22 ings of subsections (i)(3)(C) and (i)(6)(B) of section
23 469 are each amended by striking “CREDIT” and in-
24 serting “CREDITS”.

1 (e) CLERICAL AMENDMENT.—The table of sections
2 for subpart D of part IV of subchapter A of chapter 1
3 of the Internal Revenue Code of 1986 is amended by in-
4 serting after the item relating to section 42 the following
5 new item:

“Sec. 42A. Credit for contributions to low-income housing supportive services.”.

6 (f) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to buildings placed in service after
8 December 31, 2020.

9 **Subtitle B—Neighborhood Homes** 10 **Credit**

11 **SEC. 90621. NEIGHBORHOOD HOMES CREDIT.**

12 (a) IN GENERAL.—Subpart D of part IV of sub-
13 chapter A of chapter 1, as amended by the preceding pro-
14 visions of this Act, is amended by inserting after section
15 42A the following new section:

16 **“SEC. 42B. NEIGHBORHOOD HOMES CREDIT.**

17 “(a) ALLOWANCE OF CREDIT.—For purposes of sec-
18 tion 38, the amount of the neighborhood homes credit de-
19 termined under this section for a taxable year for a quali-
20 fied project shall be, with respect to each qualified resi-
21 dence that is part of such qualified project and that expe-
22 riences a qualified completion event during such taxable
23 year, an amount equal to—

24 “(1) in the case of an affordable sale, with re-
25 spect to the seller, the excess of—

1 “(A) the qualified development cost in-
2 curred by such seller for such qualified resi-
3 dence, over

4 “(B) the sale price of such qualified resi-
5 dence, or

6 “(2) in the case of any other qualified comple-
7 tion event, with respect to a taxpayer other than the
8 owner of the qualified residence (or a related person
9 with respect to such owner), the excess of—

10 “(A) the development cost incurred by
11 such taxpayer for such qualified residence, over

12 “(B) the amount received by such taxpayer
13 as payment for such rehabilitation.

14 “(b) LIMITATIONS.—

15 “(1) AMOUNT.—The amount determined under
16 subsection (a) with respect to a qualified residence
17 shall not exceed 35 percent of the lesser of—

18 “(A) the qualified development cost, or

19 “(B) 80 percent of the national median
20 sale price for new homes (as determined pursu-
21 ant to the most recent census data available as
22 of the date on which the neighborhood homes
23 credit agency makes an allocation for the quali-
24 fied project).

25 “(2) ALLOCATIONS.—

1 “(A) IN GENERAL.—The amount deter-
2 mined under subsection (a) with respect to a
3 qualified residence that is part of a qualified
4 project and that experiences a qualified comple-
5 tion event shall not exceed the excess of—

6 “(i) the amount determined under
7 subparagraph (B), over

8 “(ii) the amounts previously deter-
9 mined under subsection (a) with respect to
10 such qualified project.

11 “(B) ALLOCATION AMOUNT.—The amount
12 determined under this paragraph with respect
13 to a qualified residence that is part of a quali-
14 fied project and that experiences a qualified
15 completion event is the least of—

16 “(i) the amount allocated to such
17 project by the neighborhood homes credit
18 agency under this section,

19 “(ii) pursuant to subparagraph (C),
20 the amount such agency determines at the
21 time of the qualified completion event is
22 necessary to ensure the financial feasibility
23 of the project, or

24 “(iii) in the case of a qualified com-
25 pletion event that occurs after the 5-year

1 period beginning on the date of the alloca-
2 tion referred to in clause (i), \$0.

3 “(C) FINANCIAL FEASIBILITY.—For pur-
4 poses of subparagraph (B)(ii), the neighborhood
5 homes credit agency shall consider—

6 “(i) the sources and uses of funds and
7 the total financing planned for the quali-
8 fied project,

9 “(ii) any proceeds or receipts expected
10 to be generated by reason of tax benefits,

11 “(iii) the percentage of the amount al-
12 located to such project under this section
13 used for project costs other than the cost
14 of intermediaries, and

15 “(iv) the reasonableness of the devel-
16 opmental costs and fees of the qualified
17 project.

18 “(c) QUALIFIED DEVELOPMENT COST.—For pur-
19 poses of this section—

20 “(1) IN GENERAL.—The term ‘qualified devel-
21 opment cost’ means, with respect to a qualified resi-
22 dence, so much of the allowable development cost as
23 the neighborhood homes credit agency certifies, at
24 the time of the completion event, meets the stand-
25 ards promulgated under subsection (h)(1)(C).

1 “(2) ALLOWABLE DEVELOPMENT COST.—The
2 term ‘allowable development cost’ means—

3 “(A) the cost of construction, substantial
4 rehabilitation, demolition of any structure, and
5 environmental remediation, and

6 “(B) in the case of an affordable sale, so
7 much of the cost of acquiring buildings and
8 land as does not exceed an amount equal to 75
9 percent of the costs described in subparagraph
10 (A).

11 “(3) CONDOMINIUM AND COOPERATIVE HOUS-
12 ING UNITS.—In the case of a qualified residence de-
13 scribed in subparagraph (B) or (C) of subsection
14 (f)(1), the allowable development cost of such quali-
15 fied residence shall be an amount equal to the total
16 allowable development cost of the entire condo-
17 minium or cooperative housing property in which
18 such qualified residence is located, multiplied by a
19 fraction—

20 “(A) the numerator of which is the total
21 floor space of such qualified residence, and

22 “(B) the denominator of which is the total
23 floor space of all residences within such prop-
24 erty.

1 “(d) QUALIFIED PROJECT.—For purposes of this
2 section, the term ‘qualified project’ means a project that—

3 “(1) a neighborhood homes credit agency cer-
4 tifies will build or substantially rehabilitate 1 or
5 more qualified residences located in one or more
6 qualified census tracts, and

7 “(2) is designated by such agency as a qualified
8 project under this section and is allocated (before
9 such building or substantial rehabilitation begins) a
10 portion of the amount allocated to such agency
11 under subsection (g).

12 “(e) QUALIFIED CENSUS TRACT.—For purposes of
13 this section—

14 “(1) IN GENERAL.—The term ‘qualified census
15 tract’ means a census tract—

16 “(A) with—

17 “(i) a median gross income which
18 does not exceed 80 percent of the applica-
19 ble area median gross income,

20 “(ii) a poverty rate that is not less
21 than 130 percent of the applicable area
22 poverty rate, and

23 “(iii) a median value for owner-occu-
24 pied homes that does not exceed applicable

1 area median value for owner-occupied
2 homes,

3 “(B) which is located in a city with a pop-
4 ulation of not less than 50,000 and a poverty
5 rate that is not less than 150 percent of the ap-
6 plicable area poverty rate, and which has—

7 “(i) a median gross income which
8 does not exceed the applicable area median
9 gross income, and

10 “(ii) a median value for owner-occu-
11 pied homes that does not exceed 80 per-
12 cent of the applicable area median value
13 for owner-occupied homes, or

14 “(C) which is located in a nonmetropolitan
15 county and which has—

16 “(i) a median gross income which
17 does not exceed the applicable area median
18 gross income, and

19 “(ii) been designated by a neighbor-
20 hood homes credit agency under this
21 clause.

22 “(2) ADDITIONAL CENSUS TRACTS FOR SUB-
23 STANTIAL REHABILITATION.—In the case of a quali-
24 fied residence that is intended for substantial reha-
25 bilitation described in subsection (f)(5)(B), the term

1 ‘qualified census tract’ includes a census tract that
2 meets the requirements of paragraph (1)(A), without
3 regard to clause (iii), and that is designated by the
4 neighborhood homes credit agency under this para-
5 graph.

6 “(3) LIST OF QUALIFIED CENSUS TRACTS.—
7 The Secretary of Housing and Urban Development
8 shall, for each year, make publicly available a list of
9 qualified census tracts under—

10 “(A) on a combined basis, subparagraphs
11 (A) and (B) of paragraph (1),

12 “(B) subparagraph (C) of such paragraph,
13 and

14 “(C) paragraph (2).

15 “(f) OTHER DEFINITIONS.—For purposes of this sec-
16 tion—

17 “(1) QUALIFIED RESIDENCE.—The term ‘quali-
18 fied residence’ means a residence that consists of—

19 “(A) a single-family home containing 4 or
20 fewer residential units,

21 “(B) a condominium unit, or

22 “(C) a house or an apartment owned by a
23 cooperative housing corporation (as defined in
24 section 216(b)).

25 “(2) AFFORDABLE SALE.—

1 “(A) IN GENERAL.—

2 “(i) IN GENERAL.—The term ‘afford-
3 able sale’ means a sale to a qualified home-
4 owner of a qualified residence that the
5 neighborhood homes credit agency certifies
6 as meeting the standards promulgated
7 under subsection (h)(1)(D) for a price that
8 does not exceed—

9 “(I) in the case of any qualified
10 residence not described in subclause
11 (II), (III), or (IV), the amount equal
12 to the product of 4 multiplied by the
13 applicable area median gross income,

14 “(II) in the case of a single-fam-
15 ily home containing two residential
16 units, 125 percent of the amount de-
17 scribed in subclause (I),

18 “(III) in the case of a single-fam-
19 ily home containing three residential
20 units, 150 percent of the amount de-
21 scribed in subclause (I), or

22 “(IV) in the case of a single-fam-
23 ily home containing four residential
24 units, 175 percent of the amount de-
25 scribed in subclause (I).

1 “(ii) RELATED PERSONS.—

2 “(I) IN GENERAL.—A sale be-
3 tween related persons shall not be
4 treated as an affordable sale.

5 “(II) DEFINITION.—For pur-
6 poses of this section, a person (in this
7 clause referred to as the ‘related per-
8 son’) is related to any person if the
9 related person bears a relationship to
10 such person specified in section
11 267(b) or 707(b)(1), or the related
12 person and such person are engaged
13 in trades or businesses under common
14 control (within the meaning of sub-
15 sections (a) and (b) of section 52).
16 For purposes of the preceding sen-
17 tence, in applying section 267(b) or
18 707(b)(1), ‘10 percent’ shall be sub-
19 stituted for ‘50 percent’.

20 “(3) APPLICABLE AREA.—The term ‘applicable
21 area’ means—

22 “(A) in the case of a metropolitan census
23 tract, the metropolitan area in which such cen-
24 sus tract is located, and

1 “(B) in the case of a census tract other
2 than a census tract described in subparagraph
3 (A), the State.

4 “(4) SUBSTANTIAL REHABILITATION.—The
5 term ‘substantial rehabilitation’ means rehabilitation
6 efforts involving qualified development costs that are
7 not less than the greater of—

8 “(A) \$20,000, or

9 “(B) 20 percent of the cost of acquiring
10 buildings and land.

11 “(5) QUALIFIED COMPLETION EVENT.—The
12 term ‘qualified completion event’ means—

13 “(A) in the case of a qualified residence
14 that is built or substantially rehabilitated as
15 part of a qualified project and sold, an afford-
16 able sale, or

17 “(B) in the case of a qualified residence
18 that is substantially rehabilitated as part of a
19 qualified project and owned by the same quali-
20 fied homeowner throughout such rehabilitation,
21 the completion of such rehabilitation (as deter-
22 mined by the neighborhood homes credit agen-
23 cy) to the standards promulgated under sub-
24 section (h)(1)(D).

25 “(6) QUALIFIED HOMEOWNER.—

1 “(A) IN GENERAL.—The term ‘qualified
2 homeowner’ means, with respect to a qualified
3 residence, an individual—

4 “(i) who owns and uses such qualified
5 residence as the principal residence of such
6 individual, and

7 “(ii) whose income is 140 percent or
8 less of the applicable area median gross in-
9 come for the location of the qualified resi-
10 dence.

11 “(B) OWNERSHIP.—For purposes of a co-
12 operative housing corporation (as such term is
13 defined in section 216(b)), a tenant-stockholder
14 shall be treated as owning the house or apart-
15 ment which such person is entitled to occupy.

16 “(C) INCOME.—For purposes of this para-
17 graph, income shall be a determined in accord-
18 ance with section 143(f)(2) and 143(f)(4).

19 “(D) TIMING.—For purposes of this para-
20 graph, the income of a taxpayer shall be deter-
21 mined—

22 “(i) in the case of a qualified resi-
23 dence that is built or substantially rehabili-
24 tated as part of a qualified project and

1 sold, at the time a binding contract for
2 purchase is made, or

3 “(ii) in the case of a qualified resi-
4 dence that is occupied by a qualified home-
5 owner and intended to be substantially re-
6 habilitated as part of a qualified project, at
7 the time a binding contract to undertake
8 such rehabilitation is made.

9 “(7) NEIGHBORHOOD HOMES CREDIT AGEN-
10 CY.—The term ‘neighborhood homes credit agency’
11 means the agency designated by the governor of a
12 State as the neighborhood homes credit agency of
13 the State.

14 “(g) ALLOCATION.—

15 “(1) STATE NEIGHBORHOOD HOMES CREDIT
16 CEILING.—The State neighborhood homes credit
17 amount for a State for a calendar year is an amount
18 equal to the greater of—

19 “(A) the product of \$6, multiplied by the
20 State population (determined in accordance
21 with section 146(j)), or

22 “(B) \$8,000,000.

23 “(2) UNUSED AMOUNT.—The State neighbor-
24 hood homes credit amount for a calendar year shall
25 be increased by the sum of—

1 “(A) any amount certified by the neighbor-
2 hood homes credit agency of the State as hav-
3 ing been previously allocated to a qualified
4 project and not used during the 5-year period
5 described in subsection (b)(2)(B)(iii), plus

6 “(B) sum of the amount by which the
7 amount determined under paragraph (1) (with-
8 out application of this paragraph) exceeded the
9 amount allocated to qualified projects in each of
10 the three immediately preceding calendar years.

11 “(3) PORTION OF STATE CREDIT CEILING FOR
12 CERTAIN PROJECTS INVOLVING QUALIFIED NON-
13 PROFIT ORGANIZATIONS.—Rules similar to the rules
14 of section 42(h)(5) shall apply.

15 “(h) RESPONSIBILITIES OF NEIGHBORHOOD HOMES
16 CREDIT AGENCIES.—

17 “(1) IN GENERAL.—Notwithstanding subsection
18 (g), the State neighborhood homes credit dollar
19 amount shall be zero for a calendar year unless the
20 neighborhood homes credit agency of the State—

21 “(A) allocates such amount pursuant to a
22 qualified allocation plan of the neighborhood
23 homes credit agency,

24 “(B) allocates not more than 20 percent of
25 such amount for the previous year to projects

1 with respect to qualified residences in census
2 tracts under subsection (e)(1)(C) or (e)(2),

3 “(C) promulgates standards with respect
4 to reasonable qualified development costs and
5 fees,

6 “(D) promulgates standards with respect
7 to construction quality, and

8 “(E) submits to the Secretary (at such
9 time and in such manner as the Secretary may
10 prescribe) an annual report specifying—

11 “(i) the amount of the neighborhood
12 homes credits allocated to each qualified
13 project for the previous year,

14 “(ii) with respect to each qualified
15 residence completed in the preceding cal-
16 endar year—

17 “(I) the census tract in which
18 such qualified residence is located,

19 “(II) with respect to the qualified
20 project that includes such qualified
21 residence, the year in which such
22 project received an allocation under
23 this section,

1 “(III) whether such qualified res-
2 idence was new or substantially reha-
3 bilitated,
4 “(IV) the eligible basis of such
5 qualified residence,
6 “(V) the amount of the neighbor-
7 hood homes credit with respect to
8 such qualified residence,
9 “(VI) the sales price of such
10 qualified residence or, in the case of a
11 qualified residence that is substan-
12 tially rehabilitated as part of a quali-
13 fied project and is owned by the same
14 qualified homeowner during the en-
15 tirety of such rehabilitation, the cost
16 of the substantial rehabilitation, and
17 “(VII) the income of the quali-
18 fied homeowner (expressed as a per-
19 centage of the applicable area median
20 gross income for the location of the
21 qualified residence), and
22 “(iii) such other information as the
23 Secretary may require.

1 “(2) QUALIFIED ALLOCATION PLAN.—For pur-
2 poses of this subsection, the term ‘qualified alloca-
3 tion plan’ means any plan which—

4 “(A) sets forth the selection criteria to be
5 used to prioritize qualified projects for alloca-
6 tions of State neighborhood homes credit dollar
7 amounts, including—

8 “(i) the need for new or substantially
9 rehabilitated owner-occupied homes in the
10 area addressed by the project,

11 “(ii) the expected contribution of the
12 project to neighborhood stability and revi-
13 talization,

14 “(iii) the capability of the project
15 sponsor, and

16 “(iv) the likelihood the project will re-
17 sult in long-term homeownership,

18 “(B) has been made available for public
19 comment, and

20 “(C) provides a procedure that the neigh-
21 borhood homes credit agency (or any agent or
22 contractor of such agency) shall follow for pur-
23 poses of—

24 “(i) identifying noncompliance with
25 any provisions of this section, and

1 “(ii) notifying the Internal Revenue
2 Service of any such noncompliance of
3 which the agency becomes aware.

4 “(i) POSSESSIONS TREATED AS STATES.—For pur-
5 poses of this section, the term ‘State’ includes the District
6 of Columbia and a possession of the United States.

7 “(j) REPAYMENT.—

8 “(1) IN GENERAL.—

9 “(A) SOLD DURING 5-YEAR PERIOD.—If a
10 qualified residence is sold during the 5-year pe-
11 riod beginning on the date of the qualified com-
12 pletion event described in subsection (a) with
13 respect to such qualified residence, the seller
14 shall transfer an amount equal to the repay-
15 ment amount from the amount realized on such
16 sale to the relevant neighborhood homes credit
17 agency.

18 “(B) USE OF REPAYMENTS.—A neighbor-
19 hood homes credit agency shall use any amount
20 received pursuant to subparagraph (A) only for
21 purposes of qualified projects.

22 “(2) REPAYMENT AMOUNT.—For purposes of
23 paragraph (1)(A), the repayment amount is an
24 amount equal to 50 percent of the gain from such
25 resale, reduced by 20 percent for each year of the

1 5-year period referred to in paragraph (1)(A) which
2 ends before the date of the sale referred to in such
3 paragraph.

4 “(3) LIEN FOR REPAYMENT AMOUNT.—A
5 neighborhood homes credit agency receiving an allo-
6 cation under this section shall place a lien on each
7 qualified residence that is built or rehabilitated as
8 part of a qualified project for an amount such agen-
9 cy deems necessary to ensure potential repayment
10 pursuant to paragraph (1)(A).

11 “(4) DENIAL OF DEDUCTIONS IF CONVERTED
12 TO RENTAL HOUSING.—If, during the 5-year period
13 beginning on the date of the qualified completion
14 event described in subsection (a), an individual who
15 owns a qualified residence fails to use such qualified
16 residence as such individual’s principal residence for
17 any period of time, no deduction shall be allowed for
18 expenses paid or incurred by such individual with re-
19 spect to renting, during such period of time, such
20 qualified residence.

21 “(5) WAIVER.—The neighborhood homes credit
22 agency may waive the repayment required under
23 paragraph (1)(A) in the case of homeowner experi-
24 encing a hardship.

25 “(k) REPORT.—

1 “(1) IN GENERAL.—The Secretary shall annu-
2 ally issue a report, to be made available to the pub-
3 lic, which contains the information submitted pursu-
4 ant to subsection (h)(1)(E).

5 “(2) DE-IDENTIFICATION.—The Secretary shall
6 ensure that any information made public pursuant
7 to paragraph (1) excludes any information that
8 would allow for the identification of qualified home-
9 owners.

10 “(1) INFLATION ADJUSTMENT.—

11 “(1) IN GENERAL.—In the case of a calendar
12 year after 2020, the dollar amounts in this section
13 shall be increased by an amount equal to—

14 “(A) such dollar amount, multiplied by

15 “(B) the cost-of-living adjustment deter-
16 mined under section 1(f)(3) for such calendar
17 year by substituting ‘calendar year 2019’ for
18 ‘calendar year 2016’ in subparagraph (A)(ii)
19 thereof.

20 “(2) ROUNDING.—

21 “(A) In the case of the dollar amount in
22 subsection (f)(4), any increase under paragraph
23 (1) which is not a multiple of \$1,000 shall be
24 rounded to the nearest multiple of \$1,000.

1 “(B) In the case of the dollar amount in
2 subsection (g)(1)(A)(i), any increase under
3 paragraph (1) which is not a multiple of \$0.01
4 shall be rounded to the nearest multiple of
5 \$0.01.

6 “(C) In the case of the dollar amount in
7 subsection (g)(1)(A)(ii), any increase under
8 paragraph (1) which is not a multiple of
9 \$100,000 shall be rounded to the nearest mul-
10 tiple of \$100,000.”.

11 (b) CURRENT YEAR BUSINESS CREDIT CALCULA-
12 TION.—Section 38(b), as amended by the preceding provi-
13 sions of this Act, is amended by striking “plus” at the
14 end of paragraph (35), by striking the period at the end
15 of paragraph (36) and inserting “, plus”, and by adding
16 at the end the following new paragraph:

17 “(37) the neighborhood homes credit deter-
18 mined under section 42B(a),”.

19 (c) CONFORMING AMENDMENTS.—Subsections
20 (i)(3)(C), (i)(6)(B)(i), and (k)(1) of section 469 are each
21 amended by inserting “or 42A” and inserting “42A, or
22 42B”.

23 (d) CLERICAL AMENDMENT.—The table of sections
24 for subpart D of part IV of subchapter A of chapter 1,
25 as amended by the preceding provisions of this Act, is

1 amended by inserting after the item relating to section
2 42A the following new item:

“Sec. 42B. Neighborhood homes credit.”.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to taxable years beginning after
5 December 31, 2020.

6 **TITLE VII—TRIBAL** 7 **DEVELOPMENT**

8 **SEC. 90701. TREATMENT OF INDIAN TRIBES AS STATES**
9 **WITH RESPECT TO BOND ISSUANCE.**

10 (a) IN GENERAL.—Subsection (c) of section 7871 is
11 amended to read as follows:

12 “(c) SPECIAL RULES FOR TAX-EXEMPT BONDS.—

13 “(1) IN GENERAL.—In applying section 146 to
14 bonds issued by Indian Tribal Governments the Sec-
15 retary shall annually—

16 “(A) establish a national bond volume cap
17 based on the greater of—

18 “(i) the State population formula ap-
19 proach in section 146(d)(1)(A) (using na-
20 tional Tribal population estimates supplied
21 annually by the Department of the Interior
22 in consultation with the Census Bureau),
23 and

24 “(ii) the minimum State ceiling
25 amount in section 146(d)(1)(B) (as ad-

1 justed in accordance with the cost of living
2 provision in section 146(d)(2)),

3 “(B) allocate such national bond volume
4 cap among all Indian Tribal Governments seek-
5 ing such an allocation in a particular year
6 under regulations prescribed by the Secretary.

7 “(2) APPLICATION OF GEOGRAPHIC RESTRIC-
8 TION.—In the case of national bond volume cap allo-
9 cated under paragraph (1), section 146(k)(1) shall
10 not apply to the extent that such cap is used with
11 respect to financing for a facility located on qualified
12 Indian lands.

13 “(3) DEFINITIONS AND SPECIAL RULES.—For
14 purposes of this subsection—

15 “(A) INDIAN TRIBAL GOVERNMENT.—The
16 term ‘Indian Tribal Government’ means the
17 governing body of an Indian Tribe, band, na-
18 tion, or other organized group or community
19 which is recognized as eligible for the special
20 programs and services provided by the United
21 States to Indians because of their status as In-
22 dians, and also includes any agencies, instru-
23 mentalities or political subdivisions thereof.

24 “(B) INTERTRIBAL CONSORTIUMS, ETC.—
25 In any case in which an Indian Tribal Govern-

1 ment has authorized an intertribal consortium,
2 a Tribal organization, or an Alaska Native re-
3 gional or village corporation, as defined in, or
4 established pursuant to, the Alaska Native
5 Claims Settlement Act, to plan for, coordinate
6 or otherwise administer services, finances, func-
7 tions, or activities on its behalf under this sub-
8 section, the authorized entity shall have the
9 rights and responsibilities of the authorizing In-
10 dian Tribal Government only to the extent pro-
11 vided in the Authorizing resolution.

12 “(C) QUALIFIED INDIAN LANDS.—The
13 term ‘qualified Indian lands’ shall mean an In-
14 dian reservation as defined in section 3(d) of
15 the Indian Financing Act of 1974 (25 U.S.C.
16 1452(d)), including lands which are within the
17 jurisdictional area of an Oklahoma Indian Tribe
18 (as determined by the Secretary of the Interior)
19 and shall include lands outside a reservation
20 where the facility is to be placed in service in
21 connection with the active conduct of a trade or
22 business by an Indian Tribe on or near an In-
23 dian reservation or Alaska Native village or in
24 connection with infrastructure (including roads,
25 power lines, water systems, railroad spurs, and

1 communication facilities) serving an Indian res-
2 ervation or Alaska Native village.”.

3 (b) REPEAL OF ESSENTIAL GOVERNMENTAL FUNC-
4 TION REQUIREMENTS.—Section 7871 is amended—

5 (1) by striking subsections (b) and (e), and

6 (2) by striking “subject to subsection (b),” in
7 subsection (a)(2).

8 (c) CONFORMING AMENDMENT.—Subparagraph (B)
9 of section 45(c)(9) is amended to read as follows:

10 “(B) INDIAN TRIBE.—For purposes of this
11 paragraph, the term ‘Indian tribe’ has the
12 meaning given the term ‘Indian Tribal Govern-
13 ment’ by section 7871(c)(3)(A).”.

14 (d) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in this subsection, the amendments made by
17 this section shall apply to obligations issued in cal-
18 endar years beginning after the date of the enact-
19 ment of this Act.

20 (2) REPEAL OF ESSENTIAL GOVERNMENTAL
21 FUNCTION REQUIREMENTS.—The amendments made
22 by subsection (b) shall apply to transactions after,
23 and obligations issued in calendar years beginning
24 after, the date of the enactment of this Act.

1 **SEC. 90702. TREATMENT OF TRIBAL FOUNDATIONS AND**
2 **CHARITIES LIKE CHARITIES FUNDED AND**
3 **CONTROLLED BY OTHER GOVERNMENTAL**
4 **FUNDERS AND SPONSORS.**

5 (a) IN GENERAL.—Section 7871(a) is amended by
6 striking “and” at the end of paragraph (6), by striking
7 the period at the end of paragraph (7) and inserting “,
8 and”, and by adding at the end the following new para-
9 graph:

10 “(8) for purposes of—

11 “(A) determining support of an organiza-
12 tion described in section 170(b)(1)(A)(vi), and

13 “(B) determining whether an organization
14 is described in paragraph (1) or (2) of section
15 509(a) for purposes of section 509(a)(3).”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to taxable years beginning after
18 the date of the enactment of this Act.

19 **SEC. 90703. NEW MARKETS TAX CREDIT.**

20 (a) EXPANDING LOW-INCOME COMMUNITY DEFINI-
21 TION TO INCLUDE TRIBAL COMMUNITIES.—

22 (1) IN GENERAL.—Paragraph (1) of section
23 45D(e) is amended to read as follows:

24 “(1) IN GENERAL.—The term ‘low- income
25 community’ means any area—

1 “(A) comprising a population census tract

2 if—

3 “(i) the poverty rate for such tract is
4 at least 20 percent, or

5 “(ii)(I) in the case of a tract not lo-
6 cated within a metropolitan area, the me-
7 dian family income for such tract does not
8 exceed 80 percent of statewide median
9 family income, or

10 “(II) in the case of a tract located
11 within a metropolitan area, the median
12 family income for such tract does not ex-
13 ceed 80 percent of the greater of statewide
14 median family income or the metropolitan
15 area median family income,

16 “(B) comprising a Tribal Statistical Area.
17 Subparagraph (A)(ii) shall be applied using posses-
18 sion wide median family income in the case of cen-
19 sus tracts located within a possession of the United
20 States”.

21 (2) TRIBAL STATISTICAL AREA DEFINED.—Sec-
22 tion 45D(e) is amended by adding at the end the fol-
23 lowing new paragraph:

1 “(6) TRIBAL STATISTICAL AREA.—For purposes
2 of paragraph (1)(B), the term ‘Tribal Statistical
3 Area’ means—

4 “(A) any Tribal Census Tract, Oklahoma
5 Tribal Statistical Area, Tribal-Designated Sta-
6 tistical Area, or Alaska Native Village Statis-
7 tical Area if—

8 “(i) the poverty rate for such tract or
9 area is at least 20 percent, or

10 “(ii) the median family income for
11 such tract or area does not exceed 80 per-
12 cent of the statewide median family income
13 for a State with boundaries that encom-
14 pass or intersect the boundaries of such
15 area, and

16 “(B) any area that will be used for the
17 construction, reconstruction or improvement of
18 a community facility or an infrastructure
19 project that—

20 “(i) services Tribal or village members
21 of any tract or area described in subpara-
22 graph (A), and

23 “(ii) has documented its eligibility
24 with respect to clause (i) to the satisfaction

1 of the relevant Indian Tribal Government
2 (within the meaning of section 7871(c)).”.

3 (b) TRIBAL INVESTMENT PROPORTIONALITY
4 GOAL.—Section 45D(i) is amended by striking “and” at
5 the end of paragraph (5), by striking the period at the
6 end of paragraph (6) and inserting “, and”, and by adding
7 at the end the following new paragraph:

8 “(7) which ensure that Tribal Statistical Areas
9 (as defined in subsection (e)(6)) receive a propor-
10 tional allocation of qualified equity investments
11 based on the overall number of Native Americans
12 relative to the portion of the United States popu-
13 lation which is at or below the poverty line (as deter-
14 mined for purposes of determining poverty rates
15 under subsection (e)).”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to taxable years beginning after
18 the date of the enactment of this Act.

19 **TITLE VIII—HIGHWAY TRUST**
20 **FUND AND RELATED TAXES**

21 **SEC. 90801. EXTENSION OF HIGHWAY TRUST FUND EXPEND-**
22 **ITURE AUTHORITY.**

23 (a) HIGHWAY TRUST FUND.—Section 9503 is
24 amended—

1 (1) by striking “October 1, 2020” in sub-
2 sections (b)(6)(B), (c)(1), and (e)(3) and inserting
3 “October 1, 2025”, and

4 (2) by striking “FAST Act” in subsections
5 (c)(1) and (e)(3) and inserting “Moving Forward
6 Act”.

7 (b) SPORT FISH RESTORATION AND BOATING TRUST
8 FUND.—Section 9504 is amended—

9 (1) by striking “FAST Act” each place it ap-
10 pears in subsection (b)(2) and inserting “Moving
11 Forward Act”, and

12 (2) by striking “October 1, 2020” in subsection
13 (d)(2) and inserting “October 1, 2025”.

14 (c) LEAKING UNDERGROUND STORAGE TANK TRUST
15 FUND.—Section 9508(e)(2) is amended by striking “Octo-
16 ber 1, 2020” and inserting “October 1, 2025”.

17 **SEC. 90802. EXTENSION OF HIGHWAY-RELATED TAXES.**

18 (a) IN GENERAL.—

19 (1) Each of the following provisions of the In-
20 ternal Revenue Code of 1986 is amended by striking
21 “September 30, 2022” and inserting “September
22 30, 2027”:

23 (A) Section 4041(a)(1)(C)(iii)(I).

24 (B) Section 4041(m)(1)(B).

25 (C) Section 4081(d)(1).

1 (2) Each of the following provisions of the In-
2 ternal Revenue Code of 1986 is amended by striking
3 “October 1, 2022” and inserting “October 1, 2027”:

4 (A) Section 4041(m)(1)(A).

5 (B) Section 4051(c).

6 (C) Section 4071(d).

7 (D) Section 4081(d)(3).

8 (b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN
9 HEAVY VEHICLES.—Each of the following provisions of
10 the Internal Revenue Code of 1986 is amended by striking
11 “2023” each place it appears and inserting “2028”:

12 (1) Section 4481(f).

13 (2) Subsections (c)(4) and (d) of section 4482.

14 (c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1)
15 is amended—

16 (1) by striking “October 1, 2022” each place it
17 appears and inserting “October 1, 2027”,

18 (2) by striking “March 31, 2023” each place it
19 appears and inserting “March 31, 2028”, and

20 (3) by striking “January 1, 2023” and insert-
21 ing “January 1, 2028”.

22 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

23 (1) Section 4221(a) is amended by striking
24 “October 1, 2022” and inserting “October 1, 2027”.

1 (2) Section 4483(i) is amended by striking “Oc-
2 tober 1, 2023” and inserting “October 1, 2028”.

3 (e) EXTENSION OF TRANSFERS OF CERTAIN
4 TAXES.—

5 (1) IN GENERAL.—Section 9503 is amended—

6 (A) in subsection (b)—

7 (i) by striking “October 1, 2022”
8 each place it appears in paragraphs (1)
9 and (2) and inserting “October 1, 2027”,

10 (ii) by striking “OCTOBER 1, 2022” in
11 the heading of paragraph (2) and inserting
12 “OCTOBER 1, 2027”,

13 (iii) by striking “September 30,
14 2022” in paragraph (2) and inserting
15 “September 30, 2027”, and

16 (iv) by striking “July 1, 2023” in
17 paragraph (2) and inserting “July 1,
18 2028”, and

19 (B) in subsection (c)(2), by striking “July
20 1, 2013” and inserting “July 1, 2028”.

21 (2) MOTORBOAT AND SMALL-ENGINE FUEL TAX
22 TRANSFERS.—

23 (A) IN GENERAL.—Paragraphs (3)(A)(i)
24 and (4)(A) of section 9503(c) are each amended

1 by striking “October 1, 2022” and inserting
2 “October 1, 2027”.

3 (B) CONFORMING AMENDMENTS TO LAND
4 AND WATER CONSERVATION FUND.—Section
5 200310 of title 54, United States Code, is
6 amended—

7 (i) by striking “October 1, 2023”
8 each place it appears and inserting “Octo-
9 ber 1, 2028”, and

10 (ii) by striking “October 1, 2022” and
11 inserting “October 1, 2027”.

12 **SEC. 90803. ADDITIONAL TRANSFERS TO HIGHWAY TRUST**
13 **FUND.**

14 Section 9503(f) is amended by redesignating para-
15 graph (10) as paragraph (11) and by inserting after para-
16 graph (9) the following new paragraph:

17 “(10) ADDITIONAL TRANSFERS TO TRUST
18 FUND.—Out of money in the Treasury not otherwise
19 appropriated, there is hereby appropriated—

20 “(A) \$106,700,000,000 to the Highway
21 Account (as defined in subsection (e)(5)(B)) in
22 the Highway Trust Fund, and

23 “(B) \$38,600,000,000 to the Mass Transit
24 Account in the Highway Trust Fund.”.

